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1917

Horticultural Statutes

OF THE

State of California

Corrected to August 1, 1917

17-27417

Issued by the

State Commissioner of Horticulture

Sacramento, Cal.



CALIFORNIA

STATE PRINTING OFFICE

1917

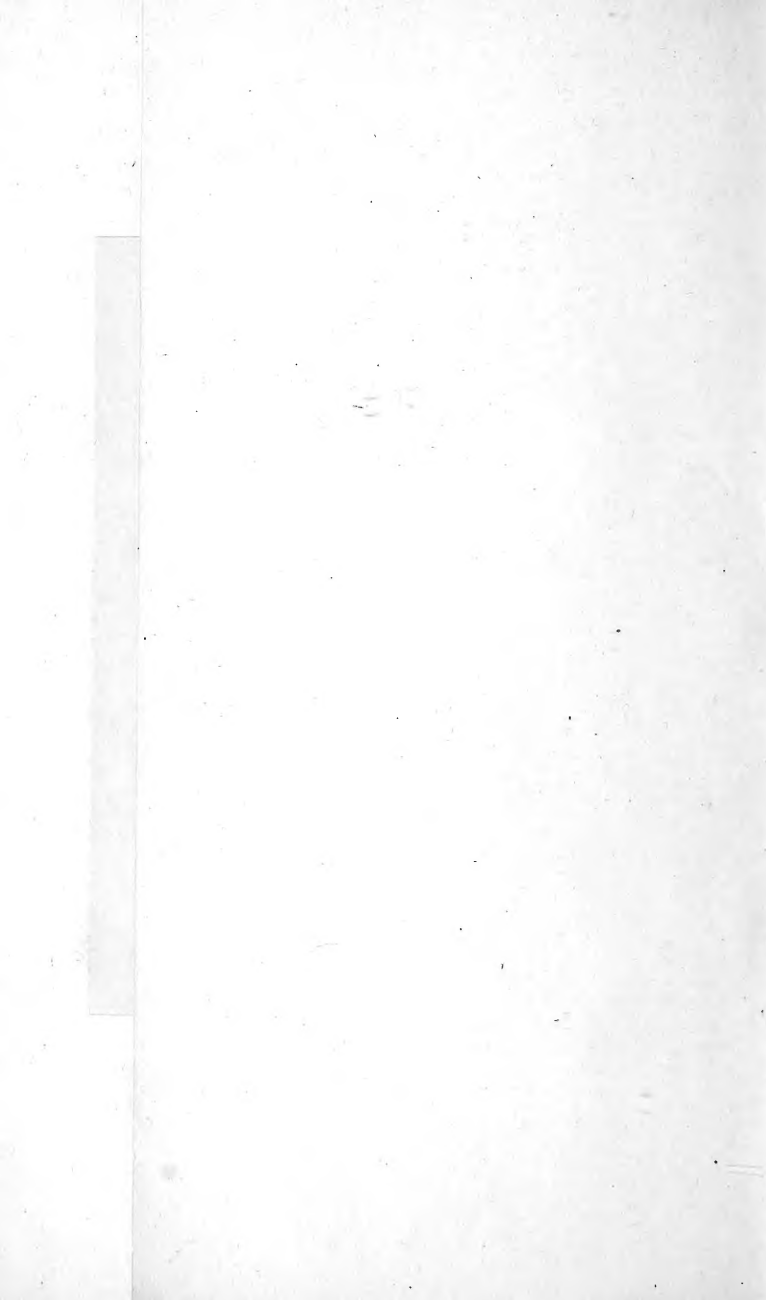


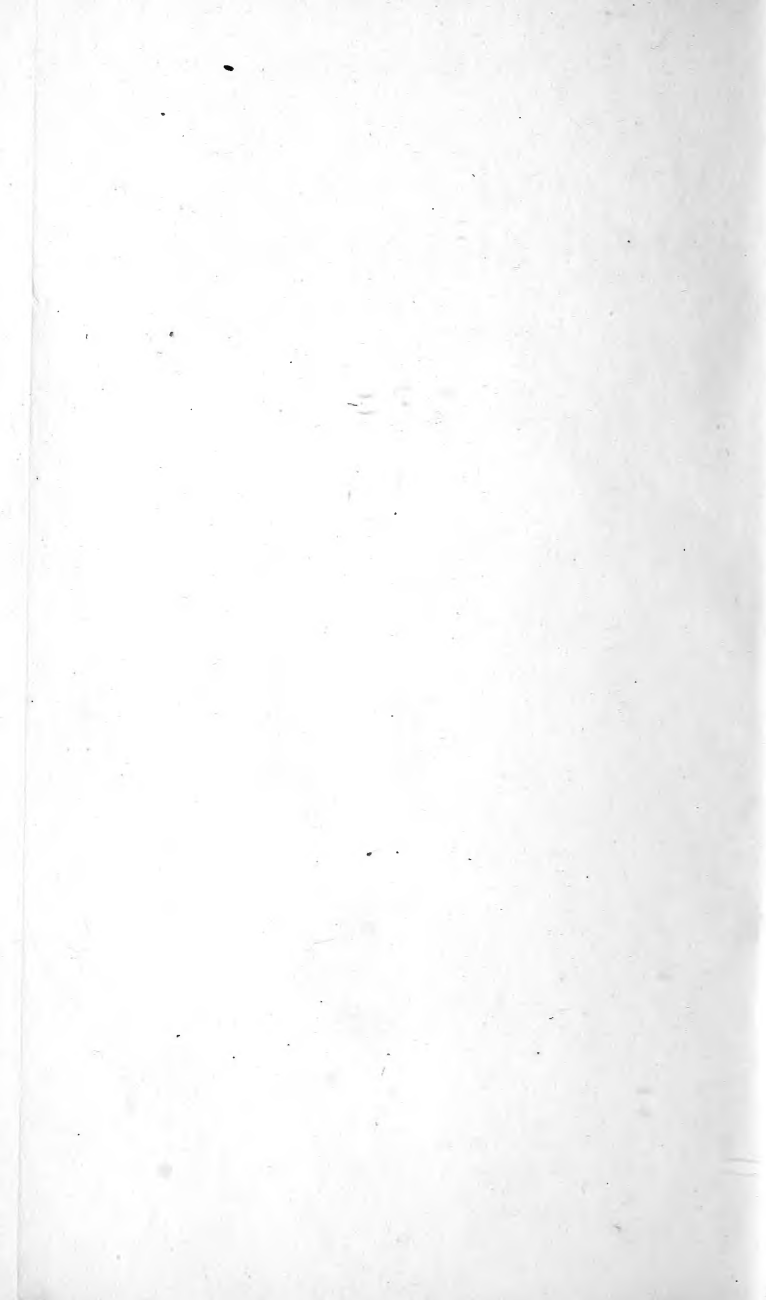


Class SB983

Book Q2 A2

1917





STATE OF CALIFORNIA

Horticultural Statutes

ALSO

Quarantine Orders and Regulations

AND

List of State and County Horticultural
Officers

Corrected to August 1, 1917



CALIFORNIA
STATE PRINTING OFFICE
1917

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CALIFORNIA.

Statutes and Quarantine Orders Relating to Horticulture.

In force July 27, 1917.

AN ACT RELATING TO THE STATE COMMISSIONER OF HORTICUL- TURE.

[Approved May 17, 1917. In effect July 27, 1917.]

*The people of the State of California do enact
as follows:*

2319 [Political Code]. The state commis-
sioner of horticulture of California shall be a
citizen and resident of this state, and his term
shall be for four years, and until his successor
is appointed and qualified. The governor may
remove such commissioner from office at any
time upon filing with the secretary of state a
certificate of removal signed by the governor.
In the case of vacancy in said office by death,
resignation, removal from office, or other cause
the governor shall fill the vacancy for the un-
expired term. In appointing such commis-
sioner and his successor or successors, it shall
be the duty of the governor to disregard polit-
ical affiliations, and to be guided in his selection
entirely by the professional and moral qualifi-
cations of the person so selected for the per-
formance of the duties of said office. Said
commissioner shall be a civil executive officer.
The salary of said commissioner shall be four
thousand dollars per annum, and he shall be
allowed his traveling and incidental expenses
necessary in the discharge of his duties. For
the direction and accomplishment of his work
the said commissioner may and is hereby em-
powered to appoint certain deputies, secretary,

Commis-
sioner of
horti-
culture,
appoint-
ment,
term,
etc.

Salary.

Appoint-
ees.

Appoint-
ees.

quarantine officers, superintendents, assistants, and clerk as hereinafter provided, who shall hold office at the pleasure of said commissioner and perform any and all duties pertaining to their office or employment which the said commissioner may require of each of them, and may be removed from office or position at any time by said commissioner filing with the secretary of state a certificate signed by said commissioner so removing such deputy, secretary, quarantine officer, superintendent, assistant, or clerk. The traveling and other necessary expenses incurred by the officers and employees herein provided for in the performance of their duties shall be paid from the funds appropriated for the support of the office of the state commissioner of horticulture. Said commissioner may arrange his office into three divisions, to wit: executive office, quarantine division, insectary and pathological division.

Divi-
sions of
office.

Deputy
commis-
sioner.

Said commissioner shall appoint a deputy commissioner who shall be an expert entomologist and horticulturist, and who shall perform such duties as may be required of him by said commissioner, and shall be acting commissioner in the absence of the commissioner. Such deputy commissioner shall receive a salary of two thousand seven hundred dollars per annum. Said commissioner shall appoint two field deputies, each of whom shall be versed in horticulture and have a practical knowledge of the methods of control of insect pests and plant diseases. Said field deputies shall receive a salary of two thousand dollars per annum each. Said commissioner shall appoint a secretary who shall be a civil executive officer. Said secretary shall perform all such duties as may be required of him by said commissioner. Such secretary shall receive a salary of two thousand seven hundred dollars per annum. Said commissioner shall appoint

Field
deputies.

Secre-
tary.

Clerk.

a clerk whose salary shall be one thousand six hundred dollars per annum. The main office ^{Office.} of such commissioner shall be at the city of Sacramento.

The secretary of state shall furnish and set aside, at the capitol, rooms suitable for offices for said commissioner, and if the secretary of state shall make and file an affidavit with the said commissioner stating that it is not possible for him, as such secretary of state, to provide and set aside an office for said commissioner in the capitol or in any state building under his control, because there is no such office or rooms available, then, and after the making and delivery of such affidavit to such commissioner, the said commissioner may rent rooms convenient and suitable for his offices at a rental not to exceed one thousand dollars per year. The office of said commissioner shall be kept open every day except holidays. Said commissioner may also keep and maintain an office in the city and county of San Francisco adequate to the purposes and requirements of the quarantine division, at a yearly rental not to exceed the sum of seven hundred fifty dollars. Said commissioner ^{Chief} shall appoint a chief deputy quarantine officer, ^{deputy} who shall be a skilled entomologist and par- ^{quaran-} ticularly conversant with the nature of foreign ^{time} insect pests and plant diseases and effective ^{officer.} means of preventing their introduction, and shall have charge of the work of the quarantine division provided for in this section of this act. Such chief deputy quarantine officer shall receive a salary of two thousand seven hundred dollars per annum. Said commis- ^{Deputy} sioner shall appoint two deputy quarantine ^{quaran-} officers who shall be competent entomologists ^{time} for the purpose of quarantine work. Such ^{officers.} deputy quarantine officers shall each receive a salary of one thousand eight hundred dollars per annum. Said commissioner shall also

Insec- tary.	properly maintain and operate the state insectary located on the state capitol grounds in Sacramento from funds provided by law for such purpose, and shall appoint for the work of the insectary division a superintendent of the insectary, who shall be an expert entomologist able to perform all the necessary duties with reference to the importation, rearing and distribution of beneficial insects. The salary of the superintendent of the state insectary shall be two thousand seven hundred dollars per annum. Said commissioner shall appoint an assistant superintendent of the insectary, who shall be an economic entomologist, at a salary of one thousand eight hundred dollars per annum. Said commissioner shall appoint a field deputy for the insectary division, who shall be a practical entomologist and whose salary shall be one thousand eight hundred dollars per annum. The salaries of all the officers above mentioned shall be paid at the same time and in the same manner as the salaries of other state officers. Said commissioner may also appoint such assistants from time to time as may be required and such assistants shall receive such reasonable compensation as may be fixed by said commissioner.
Superin- tendent of insec- tary.	
Assist- ant superin- tendent insec- tary.	
Field deputy.	
Tempo- rary deputies.	
Duties of commis- sioner of horti- culture.	2319a. It shall be the duty of the state commissioner of horticulture to promote and protect the plant industry of the state; to prevent the introduction and spread of injurious insect or animal pests, plant diseases and noxious weeds; to cause to be put into execution such horticultural laws of a regulatory nature as are written into the statutes, and to introduce and distribute such insects as are useful in reducing the cost of crop production. Such commissioner shall collect books, pamphlets and periodicals and other documents containing information relating to horticulture and shall preserve the same; collect statistics

and other information showing the actual condition and progress of horticulture in this state and elsewhere; correspond with horticultural societies, colleges and schools, and with the county horticultural commissioners existing or that may exist in this state, and with all other persons necessary to secure the best results to horticulture in this state. He shall require reports from county horticultural commissioners in this state, and may print the same or any part thereof as he may select, either in the form of bulletins or in his annual reports or both, as he shall deem proper. He shall issue and cause to be printed and distributed to county horticultural commissioners in this state, and to such other persons as he may deem proper, bulletins or statements containing all the information best adapted to advance the interest, business and development of horticulture in this state. Such commissioner shall be deemed to be the state horticultural quarantine officer mentioned in that certain act entitled "An act for the protection of horticulture and to prevent the introduction into this state of insects, or diseases, or animals injurious to fruit or fruit trees, vines, bushes or vegetables, and to provide for a quarantine for the enforcement of this act," which became a law under constitutional provisions without the governor's approval on March 11, 1899, for the purposes of that act, and shall be empowered to perform the duties which under that act are to be performed by the state horticultural quarantine officer; *provided*, that in any case where it shall become necessary in the judgment of the state commissioner of horticulture to quarantine a county or district within the state against another or other county or counties or districts within the state, or to quarantine the state or a county or district of the state against another state or a foreign country or

Duties
of
commis-
sioner of
horti-
culture.

State
horti-
cultural
quaran-
tine
officer.

countries then it shall be necessary that said quarantine shall be made by and with the approval of the governor as provided in this chapter.

The state commissioner of horticulture may issue commissions as quarantine guardians to the county horticultural commissioners, deputies and inspectors appointed by them.

Quarantine regulations.

2319*b*. Said commissioner may, by and with the approval of the governor, establish, maintain and enforce such quarantine regulations as may be deemed necessary to protect the nurseries, trees, shrubs, plants, vines, cuttings, grafts, scions, buds, fruit-pits, fruit, seeds, vegetables or other articles of horticulture, against contagion or infestation by injurious plant disease, insects, or animal or weed pests, by establishing such quarantine at the boundaries of this state or elsewhere within the state, and he may make and enforce, with the approval of the governor, any and all such rules and regulations as may be deemed necessary to prevent any infected or infested stock, tree, shrub, plant, vine, cutting, graft, scion, bud, fruit-pit, fruit, seeds, vegetable or other article of horticulture, from passing over any quarantine line established and proclaimed pursuant to this act, and all such articles shall, during the maintenance of such quarantine, be inspected by such commissioner or by deputies appointed in writing by said commissioner, and he and the deputies so conducting such inspection shall not permit any such article to pass over such quarantine line during such quarantine, except upon a certificate of inspection signed by such commissioner or in his name by such deputy who has made such inspection. All approvals by the governor given or made pursuant to this act shall be in writing and signed by the governor in duplicate, and one copy thereof shall be filed in the office of the secretary of state and the other in the

office of said commissioner before such approval shall take effect.

2319c. Upon information received by such commissioner of the existence of any infectious plant disease, insect, or animal or weed pest, dangerous to any article, or to the interests of horticulture within this state, or that there is a probability of the introduction of any such infectious plant diseases, insect or animal or weed or other pests, into this state or across the boundaries thereof, he shall proceed to thoroughly investigate the same and may establish, maintain and enforce quarantine as hereinbefore provided, with such regulations as may be necessary to circumscribe and exterminate, eradicate or control such infectious plant diseases, insects or weed or other pests, and prevent the extension thereof, and is hereby authorized to enter upon any ground or premises to inspect the same or to inspect any tree, shrub, plant, vine, cutting, graft, scion, bud, fruit-pit, fruit, seed, vegetable or other article of horticulture or implement thereof or box or package pertaining thereto, or connected therewith or that has been used in packing, shipping or handling the same, and to open any such package, and generally to do, with the least injury possible under the conditions to property or business, all acts and things necessary to carry out the provisions of this chapter; *and provided, further*, that no quarantine shall be established, maintained or enforced for the protection of nurseries, trees, shrubs, plants, vines, cuttings, grafts, scions, buds, fruit-pits, fruit, seeds, vegetables or other articles of horticulture, against contagion or infection by injurious disease, insects or pests, except by such commissioner and in the manner in this section provided.

Infectious diseases, etc.

May establish quarantine.

Pests
to be
reported
to
county
horti-
cultural
commis-
sioners.

2319*d*. Upon the discovery of any infectious plant disease, injurious insects or weed or other pests, such commissioner shall immediately report the same to such quarantine guardians or county horticultural commissioners of the counties wherein such discovery is made, together with a statement as to the best known means or method for circumscribing, exterminating, eradicating or controlling the same, and shall state therein specifically what treatment or method should be applied in each case, as the matter may require, with a detailed statement or prescription as to the method of making or procuring and of applying any preparation or treatment so recommended therefor, and the time and duration for such treatment, and if chemicals or articles be required other than those usually obtainable in any town, the place or places where they are most readily to be obtained; and upon the receipt of such statement by any quarantine guardian or county horticultural commissioner it shall be the duty of such quarantine guardian or county horticultural commissioner to distribute such statement in written or printed form to every person owning or having charge or possession of any orchard, nursery stock, tree, shrub, plant, fruits or other article of horticulture within their county, where there may be or is likely to be any danger to the interests of horticulture, and such a statement must be served with or be a part of the notice to be given to the owner or owners or person or persons, in possession of any orchard, nursery, tree, shrub, plant, fruits or other articles of horticulture, referred to, provided for, and required to be served in and by section two thousand three hundred twenty-two *a* of the Political Code of the State of California.

Duty of
commis-
sioners.

2319e. Whenever it shall be necessary to establish quarantine under this chapter, if there be any authorities or officers of the United States having authority to act in such matter, or any part thereof, the said state commissioner of horticulture shall notify such authorities or officers of the United States, seeking their cooperation as far as possible wheresoever the jurisdiction of the United States extends and is being exercised. The said commissioner shall at once notify the governor of all quarantine lines established under or pursuant to this chapter, and if the governor approve or shall have approved of the same or any portion thereof the same shall be in effect and the governor may issue his proclamation proclaiming the boundaries of such quarantine and the nature thereof, and the order, rules or regulations prescribed for the maintenance and enforcement of the same, and may publish said proclamation in such manner as he may deem expedient to give proper notice thereof.

2319f. The said state commissioner shall be *ex officio* a county commissioner of horticulture wherever such county commissioner has been appointed or may hereafter be appointed or exist in this state pursuant to law, whenever he is present and acting with said county horticultural commissioner within such county where such commissioner has been appointed.

2319g. It shall be the duty of the superintendent of state printing to print and deliver to the state commissioner of horticulture, upon the written request of said commissioner, all such bulletins, orders, rules, regulations, statements, reports and other printed matter, as the said commissioner may deem necessary to have and use for carrying out the purposes of this chapter, and it shall be the duty of the secretary of state to cause to be prepared and

furnished to such state commissioner all stationery, paper, blank forms, envelopes, and writing material needful and convenient for use in the office of such commissioner.

Annual
reports.

2319*h*. It shall be the duty of the state commissioner of horticulture to report in the month of January in each even-numbered year to the governor, and in each odd-numbered year to the legislature of this state the horticultural conditions of the state with statistics regarding the same, the efficiency of the work of the county horticultural commissioners of the state and such other matters as he may deem expedient or as may be required either by the governor or legislature, and to include a statement of all the persons employed and moneys expended under this chapter by itemized statement thereof.

Nursery-
men to
register
with
state
commis-
sioner of
horti-
culture.

2319*i*. Any nurseryman, agent, jobber, person, firm or organization operating in the State of California, who ships, sells or handles nursery stock, trees, plants, shrubs or vines which are for planting or propagation purposes within the borders of this state, shall register with the state commissioner of horticulture and shall pay the same one dollar for such registration for a period of one year. The state commissioner of horticulture shall issue to each applicant a special license number, and all shipments by such licensee shall have his license number affixed to the package of nursery stock, trees, plants, shrubs or vines for planting or propagation purposes; *provided, however*, that an agent or agents acting as salesman for a nurseryman, jobber, person, firm or organization shall not be granted a license number but shall be required to use the license number assigned the nurseryman, jobber, person, firm or organization by whom such agent or agents are employed.

2319*j*. Any nurseryman, jobber, person, firm or organization doing business without

the State of California who desires to ship nursery stock, trees, plants, vines, or shrubs into this state for planting or propagation purposes from any other state, territory or district of the United States, shall first make application to the state commissioner of horticulture for a permit to so do, filing with the application a statement of the location of the nursery, or place of business owned or operated by him or them, and an official certificate of inspection of such premises signed by the state inspector of the state in which said premises are located. Permits to ship nursery stock into California issued by state commissioner of horticulture. Permits herein provided shall be issued by the state commissioner of horticulture upon request and without making any charge therefor whenever in his judgment such permits may be issued without endangering the horticultural interests of this state. Such permits shall bear a special number, and all shipments thereafter made by any nurseryman, jobber, person, firm or organization into the State of California must contain this number affixed to the package of nursery stock, trees, plants, vines or shrubs shipped by him.

2319*k*. Any person wilfully refusing to comply with orders lawfully made under and pursuant to this chapter shall be guilty of a misdemeanor, and upon conviction shall be fined not to exceed five hundred dollars. Penalty.

2319*l*. All moneys paid hereunder shall be paid by the state treasurer from moneys appropriated for the support of the office of state commissioner of horticulture, and expenses other than the salary of the commissioner, the compensation of his deputies, secretary, quarantine officers, superintendents, assistants, and clerk, as allowed and provided by this chapter, must be certified by the said commissioner and be approved by the state board of control before being audited and paid. Payment of expenses.

AN ACT RELATING TO THE COUNTY COMMISSIONER OF HORTICULTURE.

[Approved May 17, 1917. In effect July 27, 1917.]

The people of the State of California do enact as follows:

Petition
to super-
visors.

2322 [Political Code]. Whenever a petition is presented to the board of supervisors of any county or city and county, and signed by twenty-five or more persons each of whom is a resident freeholder and possessor of an orchard, or greenhouse or nursery, or rice fields, stating that certain or all orchards or nurseries or trees or plants of any variety or rice fields, are infested with any infectious diseases, or insects of any kind injurious to fruit, fruit trees, vines or other plants or vegetables, or that there is growing therein the Russian thistle or saltwort (*Salsola kali* var. *tragus*), Johnson grass (*Sorghum halepense*) or other noxious weeds, or red rice, or water-grasses or other weeds or grasses detrimental to rice culture, codlin moth or other insects, ground squirrels, gophers or other animals that are destructive to trees and plants; or that serious pests, plant diseases injurious to fruit, fruit trees, vines, or other plants or vegetables, or noxious weed seed are being shipped into the county which would cause damage or be liable to cause damage to the orchards, vineyards, gardens or farms of the county or state; and praying that a commissioner be appointed by them whose duties shall be to supervise the eradication, the control, or the destruction of said insects, ground squirrels, gopher or other animals, diseases or Russian thistle or saltwort, Johnson grass or other noxious weeds, or red rice, water-grasses, or other weeds or grasses detrimental to rice

culture, when growing in fields of rice or fields adjacent thereto, or in canals or ditches used for the purpose of conveying water to rice fields for the irrigation thereof, as herein provided, the board of supervisors shall immediately notify the state board of horticultural examiners to furnish them a list of eligibles or competent persons as hereinafter provided, and from such list the said supervisors shall appoint a commissioner in accordance with the provisions of this chapter, whose term of office shall be for four years and until his successor shall be appointed and qualified and who shall give a bond in the sum of one thousand dollars for the faithful performance of his duties. The said term of office of any and all county commissioners heretofore or hereinafter appointed shall commence on the date of appointment, and be for a period of four years and until his successor shall be appointed and qualified, at the end of which period the said term shall terminate, and said term shall run with and be attached to said office. In any case where such petition has already been presented or submitted, or is on file at the time of the passage of this act, as the basis for the appointment of a board of horticultural commissioners under this chapter as heretofore existing, such petition shall continue in full force and effect and the board of supervisors of any county, or city and county with which any such petition has been filed, or in which any board of horticultural commissioners has heretofore existed, must appoint a county horticultural commissioner. The person appointed to such position must be especially qualified for his duties and must be chosen and appointed by the board of supervisors from a list of eligible persons recommended and nominated to said board as hereinafter provided. Said appointment to be made within thirty days after receipt of said list by said

List of
eli-
gibles.

Term of
county
commis-
sioner.

Peti-
tions
already
pre-
sented.

Commis-
sioner
to be
quali-
fied.

Other
acts
not
affected.

board of supervisors; *provided*, this act shall in no wise affect any other act or acts providing for the destruction of ground squirrels or applying to the proceedings thereunder, but it is intended to and does provide the alternative system of proceedings for the extermination of ground squirrels and gophers referred to in this act; and it shall be within the discretion of the governing body of each county, city and county, city or town herein mentioned to provide for the destruction of ground squirrels whether under the provisions of this act or under the provisions of such other act or acts; but when any proceedings are commenced under this act, the provisions of this act, and of such amendments as may hereafter be adopted, and no other, shall apply to all such proceedings and any provision contained in any other act or acts in conflict with the provisions hereof shall be void and of no effect as to the proceedings commenced under the provisions of this act.

Office
and ex-
penses.

The said board of supervisors shall provide a suitable office for the said county horticultural commissioner, and shall furnish and equip the said office with all necessary furniture and effects for the proper discharge of the commissioner's duties. The said board of supervisors may also provide the county horticultural commissioner with all necessary field equipment for the proper discharge of the duties of his office. All expense ordered by the board of supervisors for such office, furniture and equipment, and for stenographic and other office help and expense shall be a county charge and the board of supervisors shall allow and pay the same out of the general fund of the county. A state board of horticultural examiners is hereby created consisting of the dean of the agricultural college of the University of California, the state commissioner of horticulture and the superintend-

Board of
horti-
cultural
exam-
iners.

ent of the state insectary, who are *ex officio* members of said board. They shall serve without pay and said board shall provide convenient means for the examination of candidates for appointment as horticultural commissioner. While in the performance of their duties as members of said board they shall be allowed all their necessary expenses for traveling, printing, postage and other incidental matters to be paid out of any appropriations made for the support of the office of the state commissioner of horticulture. At least thirty days before the date of the examination of candidates for the said appointment the state board of horticultural examiners shall post or cause to be posted in three public places in said county a notice of the time and place at which such examination will be held, setting forth the conditions and subjects of said examination. At the time and place stated in said notice such examination shall be held. Said examination shall be in writing and the board of horticultural examiners may appoint one of their own number, or some other reliable, competent person to conduct the holding of such examination in each county and forward the papers of each applicant to the board for consideration. Within twenty days after the examination is held said examiners shall certify to the board of supervisors of the county, or city and county for which the examination was had, the names of such persons examined as they deem competent and qualified for the office and from the list of names so certified the supervisors shall, within thirty days after the receipt of said list of names, appoint a horticultural commissioner.

Ex-
penses.

Notice of
examinations.

List of
com-
petents.

Board of
horti-
cultural
exam-
iners to
appoint
commis-
sioner
when
super-
visors
refuse
to do so.

If for any reason the board of supervisors refuse or neglect to appoint a county horticultural commissioner at the expiration of the thirty days, or if they refuse or neglect to appoint a county horticultural commissioner

Board of
horti-
cultural
exam-
iners to
appoint
commis-
sioner
when
super-
visors
refuse
to do so.

to fill an unexpired term as elsewhere provided in this act, then the state board of horticultural examiners shall select and appoint a county horticultural commissioner from the list of qualified persons certified to the board of supervisors of that county, whose term of office shall be for four years, and until his successor has qualified. Whenever the state board of horticultural examiners shall appoint a county horticultural commissioner as herein provided, then the county board of supervisors must provide for the payment of such appointee's compensation and expenses in the same manner as if such appointment had been made by the board of supervisors. As far as possible the board of horticultural examiners shall consult the resident horticulturists of the county in determining the responsibility and moral qualifications of candidates for appointment as commissioners and whose names they certify to the boards of supervisors of the

When no
one
quali-
fies.

several counties. If no person or persons present themselves for examination before said board of horticultural examiners or if after such examination no person is found qualified, the state board of horticultural examiners shall name five competent persons and certify them to the board of supervisors and from these names the board of supervisors shall, within thirty days after the receipt thereof, appoint a county horticultural commissioner, and in such event the commissioner so appointed shall

Vacancy.

hold office for the term of one year. In case of vacancy in the office of horticultural commissioner the vacancy shall be filled first from the list of eligibles certified to the board of supervisors under the provisions of this chapter, and if there be no person named on the said list of eligible persons as in this section first above provided, then said vacancy shall be filled from the list of competent persons named as in this section last above provided,

and if said vacancy shall be filled from the said list of eligibles, the said person so appointed shall hold for the balance of the unexpired term, but if the said vacancy be filled from the said list of competent persons, the said person shall hold for the balance of the unexpired term, if the said unexpired term be not longer than one year, but if said unexpired term be longer than one year then such person shall not by virtue of such appointment hold longer than one year from the date of his appointment.

At the expiration of the term of office of the county horticultural commissioner, the state board of horticultural examiners shall submit to the board of supervisors of that county where such term shall have expired a new list of qualified persons who shall have qualified before said board of horticultural examiners by examination as provided in this section, such list to include without further examination any person who has previously qualified before the state board of horticultural examiners, and who has held office as county horticultural commissioner or deputy horticultural commissioner for a term of at least two years immediately preceding the expiration of the term of county horticultural commissioner and in the county where such term shall have expired.

New list of eligibles to be provided at expiration of term of office of commissioner.

Whenever elsewhere in the laws of this state reference is made to a county board of horticultural commissioners such reference must be understood to mean or relate to the county horticultural commissioner herein provided for and said county board of horticultural commissioners and the members thereof shall cease to exist; *provided*, that all county boards of horticultural commissioners existing at the time of the passage of this act shall continue

County board of horticultural commissioners superseded.

in office, with full power as heretofore existing until the election or appointment to succeed them of a county horticultural commissioner under the provisions of this act.

Removal
of
com-
mis-
sioner.

Upon the petition of twenty-five resident freeholders each of whom is possessed of an orchard, greenhouse or nursery, the state board of horticultural examiners may disqualify a county horticultural commissioner for neglect of duty or malfeasance in office after a hearing of the petition. Such hearing must be held at the county seat of the county where such petition is filed, and notice in writing of the time and place of such hearing and a copy of the petition must be served on the accused horticultural commissioner at least ten days prior to the date of said hearing. At such hearing the state board of examiners shall hear such evidence as is offered and thereafter make an order, either sustaining or disqualifying the accused. In case of such disqualification the board of supervisors of the county where the county horticultural commissioner has been disqualified shall upon the request of the state board of horticultural examiners remove said commissioner of horticulture and shall immediately proceed to fill the said office for the unexpired term as in cases of vacancy as hereinbefore provided.

Notice
to
owners
to
destroy
nests.

2322a. It shall be the duty of the county horticultural commissioner in each county, whenever he shall deem it necessary to cause an inspection to be made of any premises, orchards or nurseries, or trees, plants, vegetables, vines or fruits, or any fruit-packing house, storeroom, salesroom, or any other place or article in his jurisdiction, and if found infected or infested with infectious diseases, scale insects, or codlin moth, or other insect or animal pests injurious to fruits, plants, vegetables, trees or vines, or with their eggs or larvæ, or if there is found growing

thereon the Russian thistle or saltwort, Johnson grass or other noxious weeds, or red rice, water-grasses or other weeds or grasses detrimental to rice culture, he shall in writing notify the owner or owners, or person or persons in charge, or in possession of the said places or orchards or nurseries, or trees or plants, vegetables, vines, or rice fields, or fields adjacent to rice fields, or canals or ditches used for the purpose of conveying water to rice fields for the irrigation thereof, or fruit, or article as aforesaid, that the same are infected or infested with said diseases, insects, animals or other pests, or any of them or their eggs or larvæ, or that the Russian thistle or saltwort, Johnson grass or other noxious weeds, or red rice, water-grasses or other weeds or grasses detrimental to rice culture, is growing thereon, and require such person or persons, to eradicate, or destroy or to control, to the satisfaction of the county horticultural commissioner the said insects, animals or other pests, or their eggs or larvæ, or Russian thistle or saltwort, Johnson grass or other noxious weeds or red rice, or water-grasses, or other weeds or grasses detrimental to rice culture, within a certain time to be therein specified. Said notices may be served upon the person or persons, or either of them, owning or having charge, or having possession of such infested place or orchard or nursery, or trees, plants, vegetables, vines, or fruit, or articles, as aforesaid, or premises where the Russian thistle or saltwort, Johnson grass or other noxious weeds or red rice, water-grasses, or other weeds or grasses detrimental to rice culture, shall be growing, or upon the agents of either, by any commissioner, or by any person deputed by the said commissioner for that purpose in the same manner as a summons in a civil action. In case infectious diseases, scale insects, codlin moth, or other insect or

Notice
to
owners
to
destroy
pests.

Service
of
notice.

Service
of
notice
where
pests
are on
public
lands.

animal pests injurious to fruit, plants, vegetables, trees, or vines, or their eggs, or larvæ, are found to exist on trees or shrubs in public parks or along streets, highways, or other property subject to the control of a city or county government, or if there is found growing in any public park, street, highway or on other property subject to the control of a city or county government any Russian thistle, or saltwort, Johnson grass, or other noxious weeds, or red rice, water-grasses, or other weeds or grasses detrimental to rice culture, when said public park, street, highway, or other property subject to the control of the city or county government is adjacent to rice fields, or canals or ditches used for the purpose of conveying water to rice fields for the irrigation thereof, then said notice in writing shall be served on the chairman of the governing body of said city or county, and in case the work of eradication, or of control, or of destruction of the said pests, diseases, or noxious weeds in the said public parks, streets, highways, or other public property shall be performed by the county horticultural commissioner, then the cost thereof shall become a city or county charge, as the case may be, and shall be paid from the general fund of said city or county; *provided, however*, that if any such infected or infested articles, property or premises as hereinabove specified belong to any person who is not a resident of the county, and there is no person in control or possession thereof, and such nonresident person has no tenant, bailee, depositary or agent upon whom service can be had; or if the owner or owners of any such articles, property or premises can not after due diligence be found, then such notice may be served by posting the same in some conspicuous place upon such article, property or premises, and by mailing a copy thereof to the owner thereof

at his last known place of residence, if the same is known or can be ascertained; or if not known then to the county seat of the county wherein said property is situated. Any and all such places, or orchards, or nurseries, or rice fields or fields adjacent to rice fields, or canals or ditches used for the purpose of conveying water to rice fields for the irrigation thereof, or trees, plants, shrubs, vegetables, vines, fruit, or articles thus infested or infected, or premises where the Russian thistle or saltwort or Johnson grass or other noxious weeds, or red rice, water-grasses, or other weeds or grasses detrimental to rice culture, or where any squirrels, gophers or other predatory animals shall be found are hereby adjudged and declared to be a public nuisance; and whenever any such nuisance shall exist at any place within his county, and the proper notice thereof shall have been served as herein provided, and such nuisance shall not have been abated within the time specified in such notice, it shall be the duty of the county horticultural commissioner to cause said nuisance to be at once abated, by eradicating, or by controlling, or by destroying said diseases, insects, animals or other pests, or their eggs, or larvæ, or Russian thistle or saltwort, or Johnson grass or other noxious weeds, or red rice, water-grasses, or other weeds or grasses detrimental to rice culture. The expense thereof shall be a county charge, and the board of supervisors shall allow and pay the same out of the general fund of the county; any and all sum or sums so paid shall be and become a lien on the property and premises from which said nuisance has been removed or abated in pursuance of this chapter. A notice of such lien shall be filed and recorded in the office of the county recorder of the county in which the said property and premises are situated within thirty days after the right to the said lien has

Public
nuis-
ances,
what
are.

Expense
of
abating,
how
paid.

Notice
of lien.

Notice
of lien.

accrued. An action to foreclose said lien shall be commenced within ninety days after the filing and recording of said notice of lien, which action shall be brought in the proper court by the district attorney of the county in the name and for the benefit of the county making such payment or payments, and when the property is sold, enough of the proceeds shall be paid into the county treasury of such county to satisfy the lien and costs; and the overplus, if any there be, shall be paid to the owner of the property, if he be known, and if not, into the court for his use when ascertained.

Notice
of
eradi-
cation
may be
filed
with
county
recorder.

Whenever a notice of eradication, or of control, or of destruction is served on any person or persons, the county horticultural commissioner may, at his option, cause a copy thereof to be filed for record in the office of the county recorder within which the said property is situated, and if the said property is encumbered with a mortgage, lien, contract, option, bond, or other encumbrance, the said county horticultural commissioner may, at his option, cause a copy thereof to be served on the person or persons holding such encumbrance.

Lien
filed on
property
for
purpose
of
control
of pests
to take
prece-
dence
over
other
liens
except
lien of
taxes.

Whenever a lien is filed on a piece of property for the purpose of collection of such sums as have been expended in the eradication, or in the control, or in the destruction of insects, diseases, weeds, or animals found upon such property and a copy of a notice of the eradication, or of the control, or of the destruction shall have been filed in the office of the county recorder of the county wherein such property is situated, and served on the person or persons holding any such encumbrance, as hereinabove provided, then such lien shall take precedence over and be paramount to all other liens upon the said land excepting only the lien of taxes.

The county horticultural commissioner is hereby vested with the power to cause any and all such nuisances to be at once abated in a summary manner.

The county horticultural commissioner shall have power and authority to prescribe and enforce rules for the examination and qualification of fumigators or sprayers who desire to engage in such business for hire, and to issue certificates to all persons whom he shall find by examination or otherwise to be duly qualified for engaging in such work. Such certificate shall be revocable whenever the county horticultural commissioner shall deem such revocation necessary. No person shall be permitted to engage in the business of fumigating or spraying for hire within the State of California for the purpose of controlling or eradicating plant pests or diseases, who has not first secured a certificate in the manner herein provided.

2322b. Said county horticultural commissioner shall have power to divide the county into districts, and to appoint a local inspector, to hold office at the pleasure of the commissioner, for each of said districts, and may with the consent and approval of the board of supervisors, appoint a deputy horticultural commissioner from a list of qualified persons certified to the board of supervisors by the state board of horticultural examiners, such deputy to hold office at the pleasure of the commissioner. The state commissioner of horticulture may issue commissions as quarantine guardians to the county horticultural commissioner, the deputy and inspectors appointed by him. The said quarantine guardians, local inspectors, deputies or the said county horticultural commissioner, have full authority to enter into any orchard, nursery, place or places where trees or plants or fruit are kept and offered for sale

or otherwise, or any house, storeroom, sales-room, depot, or any other such place in their jurisdiction, to inspect the same, or any part thereof.

Record
and
report of
commis-
sioner.

2322c. It is the duty of the said county horticultural commissioner to keep a record of his official doings, and to make a report to the state commissioner of horticulture on or before the first day of October of each year of the condition of the horticultural interests in their several districts, what is being done to eradicate, or to control, or to destroy insect pests, also as to disinfecting, and as to quarantine against insect and other pests and diseases, and as to the carrying out of all laws relative to the greatest good of the horticultural interests, and to furnish from time to time to the state commissioner of horticulture such other information as he may require. Said state commissioner of horticulture may publish such reports in bulletin form or may incorporate so much of the same in his annual report as may be of general interest. It is also

Diseases,
scales,
etc.

made the duty of the county horticultural commissioner to advise himself with reference to all infectious diseases, scale insects or codlin moth or other pests injurious to fruit, plants, vegetables, trees or vines, and with their eggs or larvæ and all noxious weeds or grasses or animal pests that may exist in his county or be likely to exist therein and for the purpose of so advising himself and of eradicating and preventing injury from such causes, and for the purpose of advising himself on the best and most efficacious methods of performing his duties and conducting his office he shall attend the annual meeting of the state association of county horticultural commissioners, and such other meetings as the state commissioner of horticulture shall require, and he shall be paid his per diem compensation and traveling expenses while so engaged, or while

Annual
meeting.

on any service that requires him to go outside the county when the performance of such service has been authorized by the board of supervisors, or the state commissioner of horticulture.

2322*d*. The salary of inspectors working under the county horticultural commissioner is three dollars and fifty cents per day, and the necessary traveling expenses. The salary of the deputy shall be five dollars per day when in the actual performance of his duties, and the necessary traveling expenses. In the case of the commissioner himself his compensation shall be fixed by the board of supervisors, either at not less than one thousand eight hundred dollars per year, or at not less than six dollars per day, when actually engaged in the performance of his duties. He shall also be allowed the necessary traveling expenses incurred in the discharge of his regular duties as prescribed in this chapter.

2322*e*. It is the duty of the county horticultural commissioner to keep a record of his official acts, and make a monthly report to the board of supervisors; and the board of supervisors may withhold warrants for salary of said commissioner, deputy and inspectors until such time as such report is made.

2322*f*. Any person, persons, firm or corporation, who shall receive, bring, or cause to be brought into any county or locality of the State of California from another county or locality within said state any nursery stock, trees, shrubs, plants, vines, cuttings, grafts, scions, buds, or fruit pits, or fruit or vegetables, or seed, for the purpose of planting or propagating the same, or any or all such shipments of nursery stock, trees, shrubs, plants, vines, cuttings, grafts, scions, buds, or fruit pits, or fruit or vegetables, or seed or containers thereof or other orchard appliances, which the county horticultural commissioner

Salary
of in-
spectors,
deputy
and
commis-
sioner.

Report
to super-
visors.

Notifica-
tion of
arrival of
nursery
stock.

Notifica-
tion of
arrival of
nursery
stock.

or the state commissioner of horticulture may consider liable to be infested or infected with dangerous insect pests or plant diseases or noxious weed seeds and which if so infested or infected would constitute a dangerous menace to the orchards, farms and gardens of the county or state, shall immediately after the arrival thereof notify the county commissioner of horticulture, his deputy, or nearest inspector of the county in which such nursery stock, or fruit or vegetables, or seed, are received, of their arrival, and hold the same without unnecessarily moving or placing such articles where they may be harmful, for immediate inspection by such county commissioner of horticulture, his deputy, inspector, or deputy quarantine officer or guardian.

Labeling
of
nursery
stock.

2322g. Each carload, case, package, crate, bale, or bundle of trees, shrubs, plants, vines, cuttings, grafts, scions, buds, fruit pits, or fruit or vegetables, or seed, imported or brought into any county of the State of California from another county within said state for planting or propagation purposes, shall have plainly and legibly marked thereon in a conspicuous manner and place, the name and address of the shipper, owner or owners, or person forwarding or shipping same, and also the name of the person, firm or corporation to whom the same is forwarded or shipped, or his or its responsible agents. A manifest showing the contents of each shipment, also the name of the locality where the contents were grown and a statement of the contents therein shall be made to the county horticultural commissioner having jurisdiction at the point of destination when shipment is made.

Disposal
of
diseased
nursery
stock,
etc.

2322h. When any shipment of nursery stock, trees, vines, plants, shrubs, cuttings, grafts, scions, buds, fruit pits, or fruit or vegetables, or seed, imported or brought into any county or locality of the State of California

from another county or locality within such state, is found to be infested or infected with any species of injurious insects, or their eggs, larvæ or pupæ, or other animal or plant diseases or noxious weed seeds which would cause damage or be liable to cause damage to the orchards, vineyards, gardens or farms of any county of the State of California, all material in shipment found to be so infested or infected shall be deemed a public nuisance, shall be refused delivery, and shall be immediately returned to the point of shipment or destroyed, at the option and expense of the owner or owners, or his or their responsible agents. The remainder of such shipment shall be disinfected under the directions of the county horticultural commissioner making such inspection and in a manner as provided for in section two thousand three hundred twenty-two of this act; *provided, however*, that when any shipment of nursery stock, trees, vines, plants, shrubs, cuttings, grafts, scions, buds, fruit pits, or fruit or vegetables, or seed or their containers or orchard appliances imported or brought into any county or locality of the State of California from another county or locality within said state, is found to be infested or infected with any species of injurious insects, or their eggs, larvæ, or pupæ, or other injurious animal or plant diseases or noxious weed seeds not known to exist in the county or locality in which said shipment is delivered, or if there is reasonable cause to presume it may be so infested or infected the entire shipment shall be refused admittance and shall be immediately returned to point of shipment or destroyed at the option and expense of the owner or owners, or his or their responsible agents; *provided, further*, that when any shipment of nursery stock, trees, vines, plants, shrubs, cuttings, grafts, scions, buds, fruit pits, or fruit or vegetables, or seed, imported or

Disposal
of
diseased
nursery
stock,
etc.

Disposal
of
diseased
nursery
stock,
etc.

brought into any county or locality of the State of California from another county or locality within said state, is found to be infested or infected with any species of injurious insects or their eggs, larvæ or pupæ, or plant diseases or noxious weed seeds which are of common occurrence in the county or locality into which it is shipped or transported, and which may be exterminated by such treatment as may be prescribed in section two thousand three hundred twenty-two *i* of this act and under the direction of the county horticultural commissioner of the county in which it is received, the same may be disinfected or cleaned at the expense of the owner or owners or his or their responsible agents, in a manner satisfactory to the county horticultural commissioner making the inspection, and after such treatment the shipment may be delivered to the consignee. Any and every provision of this act relating to shipment or transportation of nursery stock, trees, shrubs, plants, vines, cuttings, grafts, scions, buds, or fruit pits, or fruit or vegetables, or seed from one county of the State of California to another county of said state, shall apply equally and identically to such shipment or transportation of such articles from one locality to another locality within the same county of said state.

State
commis-
sioner to
issue
descrip-
tions of
insects,
etc.,
and to
advise
methods
for
control.

2322*i*. The state commissioner of horticulture is hereby empowered and directed from time to time to ascertain and determine, and promulgate the names and descriptions of insects, animals and diseases that may cause injury to orchards, vineyards, gardens, fruit or nut bearing or ornamental trees, vines, plants, nursery stock, fruit, nuts, vegetables or seed, and to ascertain, and advise the proper methods of treatment, disposal and disinfection of nursery stock, trees, vines, plants, fruit, nuts, vegetables or seed, and the containers thereof which may be found to be infested or

infected with, or which may have been exposed to infection or infestation by any such insect or its eggs, larvæ or pupæ, or any such animal or plant diseases.

2322j. Any person, persons, firm or corporation violating any of the provisions of this act shall be guilty of a misdemeanor and shall be punished by imprisonment in the county jail for a period not exceeding six months or by a fine not exceeding five hundred dollars, or by both fine and imprisonment. Penalty.

COUNTY HORTICULTURAL QUARANTINE ORDINANCES.

As a result of an amendment to section 2319c of the Political Code contained in the act relating to the state commissioner of horticulture all county horticultural quarantine ordinances have been null and void since August 8, 1915. They are therefore not included in this revision of the horticultural statutes.—
G. H. HECKE.

STATE QUARANTINE LAW.

An act to provide for the protection of horticulture and to prevent the introduction into this state of insects or diseases, or animals, injurious to fruit or fruit trees, vines, bushes or vegetables, providing for a quarantine for the enforcement of this act, making a violation of the terms of the act a misdemeanor, and providing the penalty therefor; providing that said act shall be an urgency measure and go into effect immediately, and repealing that certain act entitled "An act for the protection of horticulture and to prevent the introduction into this state of insects, or diseases, or animals, injurious to fruit or fruit trees, vines, bushes or vegetables, and to provide for a quarantine for the enforcement of this act," approved March 11, 1899.

[Approved January 2, 1912.]

The people of the State of California do enact as follows:

Inspection of articles brought into state.

SECTION 1. Any person, persons, firm or corporation who shall receive, bring or cause to be brought into the State of California, any nursery stock, trees, shrubs, plants, vines, cuttings, grafts, scions, buds or fruit pits, or fruit or vegetables, or seed, shall immediately after the arrival thereof notify the state commissioner of horticulture, or deputy quarantine officer, or quarantine guardian of the district or county in which such nursery stock, or fruit or vegetables or seed are received, of their arrival, and hold the same without unnecessarily moving the same, or placing such articles where they may be harmful, for the immediate inspection of such state commissioner of horticulture, or deputy quarantine

officer or guardian. If there is no quarantine guardian or state horticultural quarantine officer in the county where such nursery stock or fruit or vegetable, or seed is received, it shall then be the duty of such person, persons, firm or corporation to notify the state commissioner of horticulture, who shall make immediate arrangements for their inspection. The state commissioner of horticulture, deputy quarantine officer, quarantine guardian or such person or persons as shall be commissioned by the state commissioner of horticulture to make such inspection, or to represent said commissioner, is hereby authorized and empowered to enter at any time into any car, warehouse, depot or upon any ship within the boundaries of the State of California whether in the stream or at the dock, wharf, mole, or any other place where such nursery stock or fruit or vegetables or seed or other described articles are received or in which such nursery stock or fruit or vegetables or seed is imported into the state, for the purpose of making the investigation or examination to ascertain whether such nursery stock, trees, shrubs, plants, vines, cuttings, grafts, scions, buds, fruit pits, fruit, vegetables or seed is infested with any species of injurious insects, or their eggs, larvæ or pupæ or other animal or plant disease.

Notice of
arrival
required.

Author-
ity of
inspec-
tor.

If after such examination or inspection, any of the said described articles are found to be so infested or infected as aforesaid, then it shall be the duty of the owner, owners, or persons, firm or corporation having charge or possession thereof to so disinfect at his or their expense such portion or portions of the ship, dock, wharf, mole, car, warehouse or depot where said articles may have been located in such a manner as to destroy all infection or infestation present or that is liable to be present, and all articles or packages or

Disin-
fection.

Disin-
fection.

soils apt to be so infested or infected shall be held until the said articles or packages or soils have been thoroughly disinfected and all injurious insects, or their eggs, larvæ or pupæ or other animal or plant disease have been eradicated and destroyed; *provided, however*, that all articles of nursery stock, trees, shrubs, plants, vines, cuttings, grafts, scions, buds, fruit pits, fruit, vegetables or seed which are infested or infected with such species of injurious insects or their eggs, larvæ or pupæ or other animal or plant disease which may be or be liable to be injurious to the orchards, vineyards, gardens or farms within said state, shall be destroyed or reshipped out of the state as hereinafter provided. The said officer so making such inspection shall not permit any of the described articles so coming in contact with said infested or infected articles or any articles which might convey infection or infestation to be removed or taken from any such car, warehouse, depot, ship, dock, wharf or any other place until after such infection or infestation shall have been destroyed.

Nothing
to be
removed
prior to
disin-
fection.

Marking
required
on
articles
under-
going
ship-
ment.

SEC. 2. Each carload, case, box, package, crate, bale or bundle of trees, shrubs, plants, vines, cuttings, grafts, scions, buds, fruit pits, or fruit or vegetables or seed, imported or brought into this state, shall have plainly and legibly marked thereon in a conspicuous manner and place the name and address of the shipper, owner, or owners or person forwarding or shipping the same, and also the name of the person, firm or corporation to whom the same is forwarded or shipped, or his or its responsible agents, also the name of the country, state or territory where the contents were grown and a statement of the contents therein.

Destruc-
tion of
infected
or
infested
material.

SEC. 3. When any shipment of nursery stock, trees, vines, plants, shrubs, cuttings, grafts, scions, buds, fruit pits or seed or vegetables or fruit, imported or brought into this

state, is found infested or infected with any species of injurious insects, or their eggs, larvæ or pupæ or other animal or plant disease or there is reasonable cause to presume that they may be so infested or infected, which would cause damage, or be liable to cause damage, to the orchards, vineyards, gardens or farms of the State of California, or which would be or be liable to be detrimental thereto or to any portion of said state, or to any of the orchards, vineyards, gardens or farms within said state such shipment shall be immediately destroyed by the state commissioner of horticulture, his deputy quarantine officer, quarantine guardians or other person or persons, who shall be commissioned by the state commissioner of horticulture to make such inspection; *provided, however*, that if the nature of the injurious insects, or their eggs, larvæ, pupæ or animal or plant disease be such that no damage or detriment can be caused to the said orchards, vineyards, gardens or farms of California or any of the same by the shipment of the same out of the state, then the said state commissioner of horticulture, his deputy quarantine officer, quarantine guardians or other person or persons who shall be commissioned by the state commissioner of horticulture to make such inspection, and who shall make such inspection, shall notify the owner or person, firm or corporation having possession or control of said articles to ship the same out of the state within forty-eight hours after such notification, and it shall be the duty of such owner or owners, or person, firm or corporation, to so ship said articles, but such shipment shall be under the sole direction and control of the officer so making the inspection and shall be at the expense of the owner or owners, his or their agent or agents, and for a failure to comply with such notice such owner or owners, his or their agent or agents

Destruction of infected or infested material.

Shipment out of state of articles found infected or infested.

shall be deemed guilty of a violation of the terms of this act and be punished accordingly and immediately after the expiration of the time specified in said notice said articles shall be seized and destroyed by said officer at the expense of the said owner or owners, his or their agent or agents.

Ship-
ment
passing
through
state.

SEC. 4. When any shipment of nursery stock, trees, vines, plants, shrubs, cuttings, grafts, scions, fruit, fruit pits, vegetables or seed, or any other horticultural or agricultural product passing through any portion of the State of California in transit, is infested or infected with any species of injurious insects, their eggs, larvæ or pupæ or animal or plant disease, which would cause damage, or be liable to cause damage to the orchards, vineyards, gardens or farms of the State of California, or which would be, or be liable to be, detrimental thereto or to any portion of said state, or to any of the orchards, vineyards, gardens or farms within said state, and there exists danger of dissemination of such insects or disease while such shipment is in transit in the State of California, then such shipment shall be placed within sealed containers, composed of metallic or other material, so that the same can not be broken or opened, or be liable to be broken, or opened, so as to permit any of the said shipment, insects, their eggs, larvæ or pupæ or animal or plant disease to escape from such sealed containers and the said containers shall not be opened while within the State of California.

Fruit fly.

SEC. 5. No person, persons, firm or corporation shall bring or cause to be brought into the State of California any fruit or vegetable or host plant which is now known to be, or hereafter may become a host plant or host fruit of any species of the fruit fly family Trypetidæ from any country, state or district where such species of Trypetidæ is known to

exist and any such fruit, vegetable, or host plant, together with the container and packing, shall be refused entry and shall be immediately destroyed at the expense of the owner, owners or agents.

SEC. 6. No person, persons, firm or corporation shall bring or cause to be brought into the State of California any peach, nectarine, or apricot tree or cuttings, grafts, scions, buds or pits of such trees, or any trees budded or grafted upon peach stock or roots that have been in a district where the disease known as "peach yellows" or the contagious disease known as "contagious peach rosette" are known to exist, and any such attempting to land or enter shall be refused entry and shall be destroyed or returned to the point of shipment at the option of the owner, owners or agent, and at his or their expense.

Peach
yellows
and
peach
rosette.

SEC. 7. No person, persons, firm or corporation shall bring or cause to be brought into the State of California any injurious animals known as English or Australian wild rabbit, flying fox, mongoose or any other animal or animals detrimental to horticultural or agricultural interests.

Injurious
animals.

SEC. 8. Any person, persons, firm or corporation violating any of the provisions of this act shall be guilty of a misdemeanor and shall be punished by imprisonment in the county jail for a period not exceeding six months, or by a fine not exceeding five hundred dollars, or by both such fine and imprisonment.

Penalty.

SEC. 9. It is hereby determined and declared that this act and each and all of the provisions thereof, constitute and is an urgency measure necessary for the immediate preservation of the public safety and health. The facts constituting such necessity are as follows: There now exists in various islands and territory in close proximity to the State of California dangerous and injurious fruit and plant

Act an
emer-
gency
measure.

Act an
emer-
gency
measure.

diseases and insects and animals, and heretofore fruits, vegetables, plants, seeds and other articles of horticulture and agriculture from said islands and territory have been and now are being shipped and brought into the State of California, which are to a large extent infested and infected with dangerous and injurious fruit and plant diseases and insects, their eggs, larvæ and pupæ, and which if continued to be brought into the state will cause great danger to the public health, and will greatly damage the horticultural and agricultural interests of said state, and will also be detrimental to the public health, and this act is necessary to provide ample power to prevent the introduction of such insects and diseases and injurious animals into the state and to prevent the spread of such disease, insects and animals.

Repeal
of
former
law.

SEC. 10. That certain act entitled "An act for the protection of horticulture, and to prevent the introduction into this state of insects, or diseases, or animals, injurious to fruit or fruit trees, vines, bushes, or vegetables, and to provide for a quarantine for the enforcement of this act," approved March 11, 1899, is hereby repealed.

In effect
immedi-
ately.

SEC. 11. This act, being an urgency measure as above set forth, shall take effect and be in full force immediately from and after its passage.

AN ACT RELATING TO THE SHIPMENT OF INJURIOUS INSECTS THROUGH OR INTO THE STATE OF CALIFORNIA.

An act to prevent the importation into or transportation through the State of California of insects injurious to cultivated crops, providing exemption for specific scientific purposes, fixing the authority to grant such exemption and providing a penalty for a violation of the terms of this act.

[Approved May 5, 1917. In effect July 27, 1917.]

The people of the State of California do enact as follows:

SECTION 1. No person, firm or corporation shall bring into the State of California, nor shall any railroad, steamship, express or other transportation company knowingly transport into the State of California from any state, territory or district in the United States, or from any foreign country, or from one point or place in the State of California to another point or place therein, any cotton boll weevil, gypsy moth, or any insect in a live state which is injurious to cultivated crops, or the eggs, larvæ or pupæ of any insect injurious as aforesaid, except when brought for scientific purposes under the regulations hereinafter provided for; nor shall any person bring into the State of California from any state, territory or district in the United States, or from any foreign country, or from any point or place in the State of California to another point or place therein, except for scientific purposes under the regulations as hereinafter provided for, any insect in a live state which is injurious

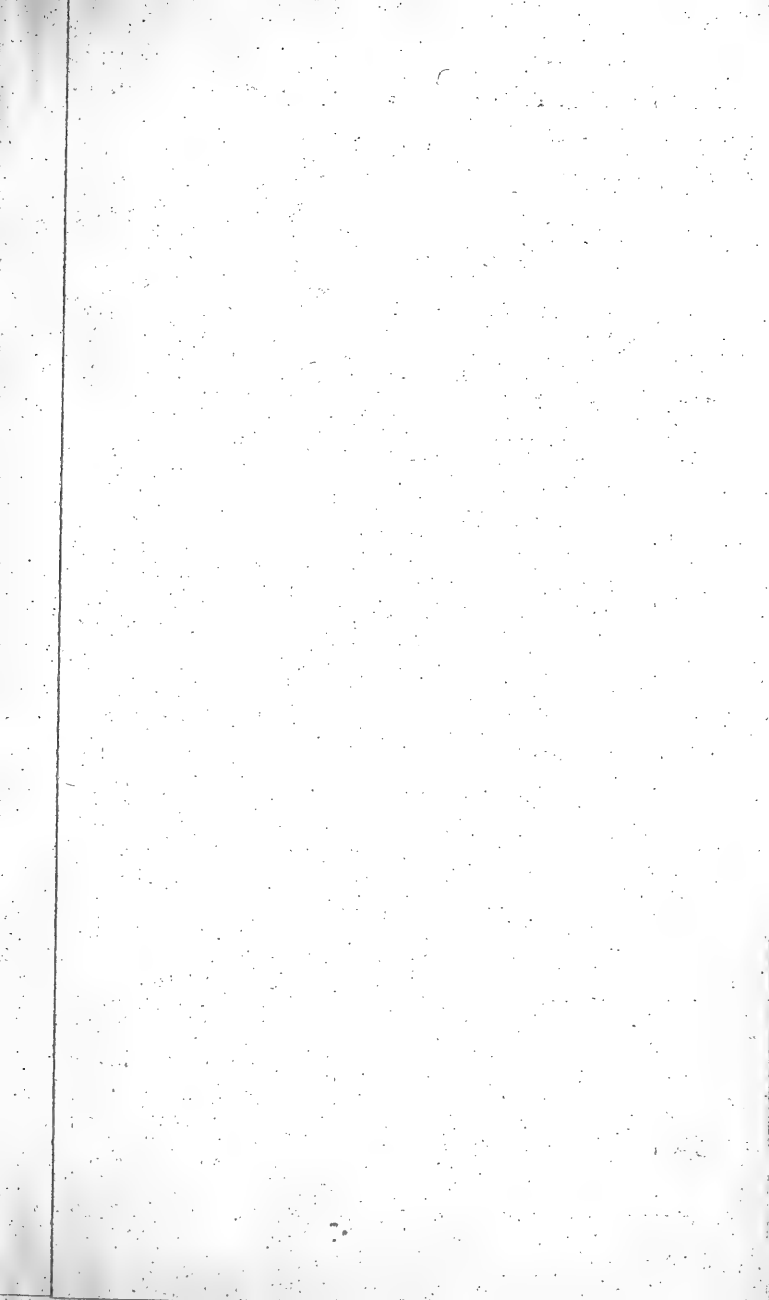
Ship-ment of injurious insects in live state.

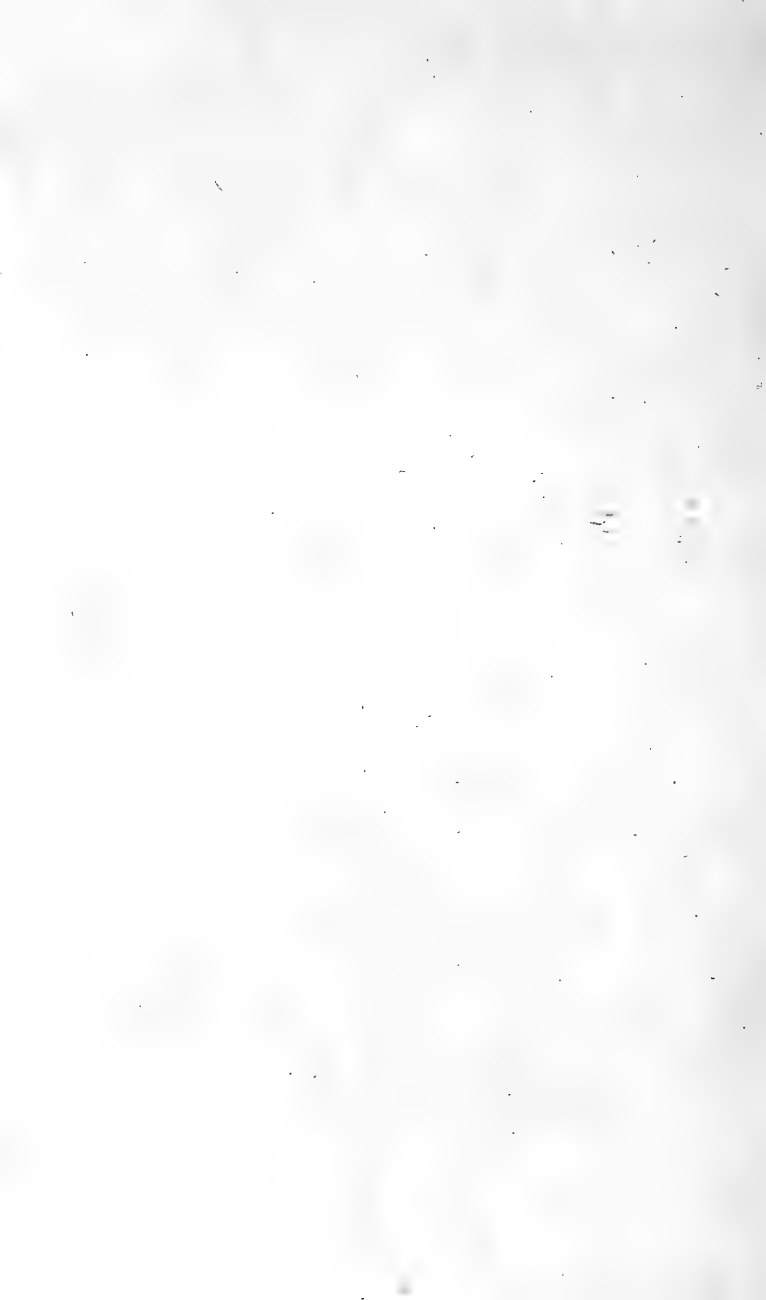
to cultivated crops, or the eggs, larvæ or pupæ of any insect injurious as aforesaid.

Commissioner of
horticulture
and
U. S.
Dept.
Agr. to
issue
rules
and
regulations.
Penalty.

SEC. 2. No provision in this act shall apply to the transportation or moving into or through the State of California, of live insects for scientific purposes under the rules and regulations promulgated by the United States department of agriculture, or by the state commissioner of horticulture of California.

SEC. 3. Any person, firm or organization who shall violate the provisions of section one of this act shall be guilty of a misdemeanor.





AREAS OF THE UNITED STATES UNDER PLANT QUARANTINE BY ORDER OF COMMISSIONER OF HORTICULTURE.



QUARANTINE ORDERS IN FORCE.

No. 4—Melon Fly.
Hawaiian Islands, Orient, Polynesia.

No. 5—Mediterranean Fruit Fly.

Hawaiian Islands, Australia, Southern Europe.

No. 13—Mexican Orange Worm (Fruit Fly).
Mexico.

No. 21—Citrus White Flies.
Distribution shown on map.

No. 23—Melanose of Citrus Fruits.
Florida, Porto Rico.

No. 25—Potato Eelworm.
Recommends inspection only.

No. 26—Mexican Cotton Boll Weevil.
All states in the United States quarantined except Maricopa County, Arizona. Distribution shown on map.

No. 27—Tulare County Points.
Points of entry for importing nursery stock.

No. 28—Citrus Canker.
All states except Arizona are quarantined against.
Distribution, Louisiana, Mississippi, Alabama, Florida, Georgia and Texas.

No. 29—Alfalfa Weevil.
Distribution shown on map.

No. 30—White Pine Blister Rust.
All 5-leaved pines, currants and gooseberries from east of Mississippi River.
Distribution shown on map.

REGULATIONS.

No. 3—Mediterranean Fruit Fly.
Requiring inspection of automobile tops shipped from Hawaiian ports.

No. 5—Peach Yellows and Peach Rosette. Distribution shown on map.

No. 6—Chestnut Bark Disease. Chestnut nursery stock from all states examined for symptoms. Distribution shown on map.

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QUARANTINE ORDERS AND REGULATIONS.*

Issued by the State Commissioner of Horticulture.

QUARANTINE ORDER No. 1.

Pertaining to citrus white fly (*Aleyrodes citri*).

Importation of nursery stock and other hosts prohibited from Florida, Louisiana, and other infested territory. White flies.

(Issued March 2, 1906. Superseded by Order No. 21.)

QUARANTINE ORDER No. 2.

Pertaining to boll weevil (*Anthonomus grandis*).

Prohibiting the importation of cotton seed into California except under certain conditions, *i. e.*, through State Commission of Horticulture and several specified county horticultural commissioners. Boll weevil.

(Issued April 23, 1908. Superseded by Order No. 26.)

QUARANTINE ORDER No. 3.

Pertaining to the importation of nursery stock into Tulare County.

(Issued January 17, 1910. Amended by Order No. 27.)

WHEREAS, The State Commissioner of Horticulture has determined from common report, from personal inspection and from the report of the State Quarantine Officer that the commercial citrus fruit trees and all others as far as examined in Tulare County are entirely free from the red scale (*Chrysomphalus aurantii*), black scale (*Saissetia oleae*), purple scale (*Lepidosaphes beckii*), and other scales detrimental to the production of fruit; and Importation of nursery stock into Tulare county.

*List of Quarantine Orders and Regulations still in effect on accompanying map.

Importa-
tion of
nursery
stock
into
Tulare
county.

WHEREAS, There is continual danger of the introduction of the said scales and others into Tulare County; and

WHEREAS, A reasonable quarantine regulation would protect the fruit interests of the said county without violating the rights of other sections; therefore,

It is declared, That a quarantine be and is hereby established against the importation of all fruit and nursery stock and plants into Tulare County, and the horticultural commissioner, his deputy and all his inspectors, are hereby instructed to hold and cause to be returned to the points where the shipments originated all such stock found within the said county of Tulare; it is unlawful, during the continuance of this order for any railroad, express, or other company or individual to bring or cause to be brought into said county such stock or to receive it for delivery; *provided*, that all such nursery stocks and plants may be delivered and received at Porterville, Lindsay, Exeter, Tulare, Visalia, Ducor, and Dinuba, all within the said county, and it is hereby declared that the above named stations are in no way affected by this order, and at the places named all such stocks may be received and will be promptly inspected, and if found clean they will be released.

(Signed) J. W. JEFFREY,

State Commissioner of Horticulture.

Approved:

J. N. GILLET,

Governor of the State of California.

QUARANTINE ORDER No. 4.

Pertaining to melon fly (*Dacus cucurbitæ*).

SACRAMENTO, March 28, 1910.

Melon
fly.

WHEREAS, From information that has been received by this commission, and the fact having been duly determined by the commis-

sion, it appears that a certain fruit and vegetable fly known as *Dacus cucurbitae* is prevalent in the Hawaiian Islands, and very destructive to watermelons, muskmelons, cucumbers and tomatoes on these islands, and that the said *Dacus cucurbitae* is not known to exist in the state of California; and, Melon fly.

WHEREAS, The introduction of this fly into the state would entail great and irreparable losses to the horticultural products subject to its attacks; and,

WHEREAS, The most rigid inspection can not determine the presence of the larva maggot of this fly without the destruction of the fruit or vegetable which may be infected; therefore,

It is ordered, That a horticultural quarantine be and is hereby established against watermelons, muskmelons, cucumbers and tomatoes imported from the Hawaiian Islands or other territory known by the state commission to contain infection of the *Dacus cucurbitae*, and all deputies of the State Commission of Horticulture, county horticultural commissions, and horticultural quarantine officers are hereby instructed to hold all such fruits or vegetables above described for exportation out of the state or to be destroyed as may be directed by the owner or consignee.

(Signed) J. W. JEFFREY,
State Commissioner of Horticulture.

Approved:

J. N. GILLET, Mediterranean fruit fly.
Governor of the State of California.

QUARANTINE ORDER No. 5.

Pertaining to the Mediterranean fruit fly.

(Issued June 24, 1911.)

SACRAMENTO, CAL., June 24, 1911.

WHEREAS, The State Commissioner of Horticulture has received official notification from the Board of Agriculture and Forestry of the Mediterranean fruit fly.

Mediterranean
fruit fly.

Hawaiian Islands that an insect known as the Mediterranean Fruit Fly (*Ceratitis capitata*) has become established on the island of Oahu; and

WHEREAS, The deputy horticultural quarantine officers at the port of San Francisco have discovered and properly identified this fruit fly (*Ceratitis capitata*) in fruit and vegetables brought in both as freight and personal baggage from the port of Honolulu, Hawaiian Islands; and

WHEREAS, The introduction of this fruit fly (*Ceratitis capitata*) into California would entail irreparable losses to our fruit, vine and vegetable interests;

It is hereby ordered, directed and declared, That a quarantine be and the same is hereby established in accordance with section 2319b of the Political Code of the state of California, against the importation of all fruits, vegetables, berries, seed-pods, etc., either cultivated in the orchards or gardens or growing wild in the Hawaiian Islands, with the exception that pineapples, bananas, and all root crops, the edible portions of which during growth have always been beneath the surface of the soil, shall be admitted at the ports of the state of California after having been duly inspected; *provided*, that any or all of these exempted fruits or vegetables, if at any time hereafter shall be found to contain upon inspection the egg, larvæ or pupæ of the fruit fly (*Ceratitis capitata*) they shall be immediately included in the list of quarantined fruits and vegetables. The fruit or vegetables quarantined against in this order shall be immediately returned to the port from which they were shipped, or destroyed at the option of the owner, consignee or agent. In no case shall such quarantined fruits be allowed to be transported over, repacked or stored upon any dock, warehouse, barge or other property within the jurisdiction

of the state of California, excepting the ship in which they were originally brought, or to which they are at once transferred. All deputies of the State Commission of Horticulture, or state quarantine guardians are hereby empowered to carry out the provisions of this order.

Mediterranean fruit fly.

J. W. JEFFREY,
State Commissioner of Horticulture.

Approved:

HIRAM W. JOHNSON,
Governor of California.

QUARANTINE ORDER No. 6.

Pertaining to potato eelworm (*Tylenchus devastatrix*).

Prohibiting the shipping of potatoes from Potato Lyon, Churchill and Washoe counties, Nevada, eelworm. into California because of eelworm.

(Issued November 27, 1911. Superseded by Quarantine Order No. 25.)

QUARANTINE ORDER No. 7.

Revocation of potato eelworm order relating to three counties in Nevada, but providing for inspection of shipments from these counties. If found infested said shipments ordered out of state or destroyed.

Potato eelworm.

(Issued December 23, 1911. Superseded by Order No. 25.)

QUARANTINE ORDER No. 8.

Pertaining to Tulare County points of entry.

Adding five towns to the list of inspection points, namely, Strathmore, Sultana, Tipton, Goshen, and Farmersville.

Shipment of nursery stock into Tulare county.

(Issued January 25, 1912. Amended by Order No. 27.)

QUARANTINE ORDER No. 9.

Pertaining to the Mexican orange fly, *Anastrepha ludens* (*Trypeta ludens*).

Mexican
orange
fly.

Prohibiting the importation of citrus fruits, guavas or mangoes by rail or streamer from Mexico into the state of California.

(Issued January 25, 1912. Superseded by Order No. 13.)

QUARANTINE ORDER No. 10.

Pertaining to peach tree borer (*Sanninoidea pacifica*).

Peach
tree
borer.

Preventing the shipment of peach, plum, apricot, prune, nectarine, cherry and almond trees from Santa Clara, Alameda, Santa Cruz, and San Mateo counties.

(Issued January 29, 1912. Superseded by Order No. 12.)

QUARANTINE ORDER No. 11.

Pertaining to peach tree borer (*Sanninoidea pacifica*).

Peach
tree
borer.

Same as Order No. 10, but providing for shipment of nursery stock after inspection.

(Issued February 2, 1912. Repealed by Order No. 12.)

QUARANTINE ORDER No. 12.

Pertaining to peach tree borer (*Sanninoidea pacifica*).

Peach
tree
borer.

Repealing the orders issued relative to the shipment of peach, plum, apricot, prune, nectarine, cherry and almond trees from Santa Clara, Alameda, Santa Cruz, and San Mateo counties.

(Issued February 3, 1912.)

QUARANTINE ORDER No. 13.

**Pertaining to the Mexican orange maggot,
Anastrepha ludens (*Trypeta ludens*).**

WHEREAS, There exists in several of the states of Mexico a very serious insect pest, namely, the Mexican or Morelos orange fly, *Anastrepha ludens* Loew (*Trypeta ludens*); and

Mexican
orange
fly.

WHEREAS, This fly attacks oranges, sweet limes, guavas and mangoes, and is exceedingly destructive to all such fruits; and

WHEREAS, Said orange fly is free from parasites and is very difficult to combat; and

WHEREAS, Steamships from Mexican ports and railroad cars traversing these infested areas, come direct to our state, and may, and very likely will, be the bearers of affected oranges, sweet limes, guavas and mangoes, and so may bring this orange maggot, *Anastrepha ludens* (*Trypeta ludens*), into the state of California, which, if introduced, would bring incalculable loss to our people; therefore be it

Directed, ordered and declared, That a quarantine be and the same is hereby established in accordance with the law approved by Governor Johnson, January 2, 1912, against the importation of oranges, sweet limes, guavas and mangoes from the states of Mexico, either by boat or rail, and that, as heretofore, all cars bringing oranges, sweet limes, guavas or mangoes from Mexico into the United States, other than California, must be thoroughly fumigated before they bring any freight whatever into the state of California, and any quarantine heretofore established against the importation of citrus fruits into the state of California, from said Mexico, is hereby modi-

Mexican
orange
fly. fied and removed to the extent of, and in
accordance with, this quarantine order.

A. J. Cook,

State Commissioner of Horticulture.

Approved:

A. J. WALLACE,

Acting Governor of State of California.

SACRAMENTO, February 13, 1912.

QUARANTINE ORDER No. 14.

Pertaining to alfalfa weevil (*Phytonomus
posticus*).

Alfalfa
weevil.

Prohibiting the importation of alfalfa hay from counties of Salt Lake, Tooele, Juab, Utah, Wasatch, Summit, Davis, Morgan, Weaver, Boxelder, Cache, and Rich, state of Utah; Oneida and Bear Lake, state of Idaho; and Uintah County, Wyoming.

(Issued August 13, 1912. Superseded by Order No. 29.)

QUARANTINE ORDER No. 15.

Pertaining to citrus white flies (*Aleyrodes citri*,
Aleyrodes nubifera).

White
flies.

Prohibiting the importation of all fruits and vegetables (excepting tomatoes), nursery stock, scions, grafts, buds, cuttings, fruit pits, orange seeds, trees, vines, plants and shrubs of all kinds from the Gulf States, Georgia and the Carolinas.

(Issued August 30, 1912. Superseded by Order No. 21.)

QUARANTINE ORDER No. 16.

Pertaining to alfalfa weevil (*Phytonomus
posticus*).

Alfalfa
weevil.

Prohibiting the importation of colonies of bees in hives, all hay, including alfalfa and other hay and straw in cattle cars from Utah, Wyoming and Idaho. Alfalfa seed admitted only on inspection by quarantine officer.

(Issued October 15, 1912. Superseded by Order No. 29.)

QUARANTINE ORDER No. 17.

Pertaining to alfalfa weevil (*Phytonomus posticus*).

Order No. 16 amended to include nursery ^{Alfalfa} stock and ornamental stock packed in tule, hay ^{weevil.} or straw, or shipped in boxes or cars that have not been disinfected, and stipulating how said nursery stock and ornamentals shall be packed.

(Issued December 17, 1912. Superseded by Order No. 29.)

QUARANTINE ORDER No. 18.

Pertaining to citrus white flies (*Aleyrodes citri* and *Aleyrodes nubifera*).

Amending Order No. 15 of August 30, 1912, ^{White} to include all known host plants of the white ^{flies.} flies, and any others which may be determined later.

(Issued December 17, 1912. Superseded by Order No. 21.)

QUARANTINE ORDER No. 19.

Pertaining to cotton boll weevil (*Anthonomus grandis*).

Prohibiting the shipment of cotton seed into ^{Cotton} California except for experimental purposes by ^{boll} permit of State Horticultural Commissioner. ^{weevil.} Revoking Order No. 2.

(Issued January 31, 1913. Superseded by Order No. 26.)

QUARANTINE ORDER No. 20.

Pertaining to alfalfa weevil (*Phytonomus posticus*).

Same as Order No. 17, with exception of the ^{Alfalfa} quarantine against Idaho. The quarantined ^{weevil.} area of the state of Idaho includes only the

southeast corner, south of forty-third parallel north latitude and east of the one hundred thirteenth meridian west longitude.

(Issued February 27, 1913. Superseded by Order No. 29.)

QUARANTINE ORDER No. 21.

Pertaining to citrus white flies.

SACRAMENTO, March 4, 1913.

White
flies.

Quarantine Orders No. 15, under date of August 30, 1912, and No. 18, under date of December 17, 1912, are hereby amended to read as follows:

WHEREAS, The fact has been determined by the State Commissioner of Horticulture that the white fly (*Aleyrodes citri*) is widely distributed in the states of North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana and Texas, and that the white fly (*Aleyrodes nubifera*) exists at the present time in the state of Florida; and

WHEREAS, Both *Aleyrodes citri* and *Aleyrodes nubifera* are primarily serious pests of, and work great injury to, citrus trees; and

WHEREAS, There is great danger of introducing *Aleyrodes citri* and *Aleyrodes nubifera* into the citrus groves of California by the importation of such plants, trees or ornamental nursery stock as are known to be hosts or food plants of any or all species of citrus white flies from each of the states aforesaid; now, therefore, it is hereby

Ordered, directed and declared, That a horticultural quarantine be, and the same is, hereby established in accordance with the provisions of section 2319b of the Political Code of the state of California, against all the known host plants of *Aleyrodes citri* and *Aleyrodes nubifera*, as follows:

Allamanda (*Allamanda neriifolia*)

Banana shrub (*Magnolia fuscata*)

- Boston ivy (*Ampelopsis tricuspidata*)
 Citrus (orange, lemon, citron, grapefruit, kumquat, tangerine, and all other citrus plants)
 Cape jessamine (*Gardenia florida*)
 Cape jessamine (*Gardenia jasminoides*)
 California privet (*Ligustrum amurense*)
 Cherry laurel (*Prunus laurocerasus*)
 Cultivated pear (*Pyrus* sp.)
 Crape myrtle (*Myrtus lagerstraemia*)
 China berry (*Melia azedarach*)
 Coffee (*Coffea arabica*)
 English ivy (*Hedera helix*)
Ficus macrophylla
 Golden privet (*Ligustrum* sp.)
 Green ash (*Fraxinus lanceolata*)
 Japanese persimmon (*Diospyros kaki*)
Jasminum fruticans
 Laurestinus (*Viburnum tinus*)
 Lilac (*Syringa vulgaris*)
 Mexican orange (*Choisya ternata*)
 Mock olive (*Prunus caroliniana*)
 Myrtle (*Myrtus communis*)
 Osage orange (*Maclura aurantiaca*)
 Portugal cherry (*Cerasus* sp.)
 Pomegranate (*Punica granatum*)
 Prickly ash (*Xanthoxylum clava-herculis*)
 Smilax (*Smilax* sp.)
 Texas umbrella (*Melia azedarach* var. *umbrauliformis*)
 Tree of Heaven (*Ailanthus glandulosa*)
 Trumpet vine (*Tecoma radicans*)
 Water oak (*Quercus aquatica*)
 Wild persimmon (*Diospyros virginiana*)
 Wild olive or devilwood (*Osmanthus americanus*)
 Yellow jessamine (*Jasminum odoratissimum*)

White
flies.

or any other that may hereafter become a host plant, imported from the states of North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana and Texas, or

White
flies.

any other section known to harbor either *Aleyrodes citri* or *Aleyrodes nubifera*, into the state of California. All quarantine guardians and deputies of the State Horticultural Commissioner are hereby instructed and required to hold any and all of the aforesaid host plants, nursery and ornamental stock, which are host plants of this *Aleyrodes citri* and of this *Aleyrodes nubifera*, subject to the order of the shippers or owners thereof for exportation out of the state, or to be destroyed, and to take every necessary precaution for the prevention of the issuance of the said white flies while the same are being held in quarantine.

Provided, that all plants, nursery and ornamental trees, other than the host plants enumerated in this order (excepting coniferous species), imported into the state of California from the aforesaid states of North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana and Texas, or any other section known to harbor either *Aleyrodes citri* or *Aleyrodes nubifera*, or both, shall be completely defoliated, and failure upon the part of the shipper or importers to comply with this ruling shall result in the holding of such shipment by the state quarantine authorities, subject to return or destruction at the discretion of the shippers or importers. And, it is hereby further

Provided, that orange seed and fruit pits may be received into the state of California upon compliance with the following conditions: Every lot of orange seed or fruit pits brought into the state of California from North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana and Texas, or other territory infested with either *Aleyrodes citri* or *Aleyrodes nubifera*, or both, must be enclosed in a container sufficiently tight and secure to prevent the egress of these pests,

should any be enclosed; and every lot of such orange seed or fruit pits must be shipped to the Deputy Quarantine Officer of the California State Commissioner of Horticulture in Los Angeles or to any other person authorized in writing by the State Commissioner of Horticulture to receive it. Every such lot must be delivered at such freight or express office as shall be designated by said Deputy Quarantine Officer, or any other authorized person, and held by him in quarantine and sufficiently treated until in his judgment the lot may be released. All expense incurred in treating for disinfections of such lot of orange seed or fruit pits shall be paid by the consignee or owner, and the orange seed or fruit pits shall not be released until the same is paid.

White
flies.

A. J. Cook,

State Commissioner of Horticulture.

Approved:

HIRAM W. JOHNSON,

Governor of State of California.

QUARANTINE ORDER No. 22.

Pertaining to Tulare County points of entry.

Adding the town of Richgrove to the inspection points in Tulare County for the examination of nursery stock shipped into the county.

Ship-
ment of
nursery
stock
into
Tulare
county.

(Issued April 11, 1913. Amended by Order No. 27.)

QUARANTINE ORDER No. 23.

Pertaining to melanose of citrus fruits and citrus trees.

March 13, 1914.

WHEREAS, The fact has been determined by the State Commissioner of Horticulture that a fungous disease, injurious to citrus fruits and citrus trees, known as melanose (*Phomopsis*

Melan-
ose.

Melan-
ose.

citri), new to and not heretofore prevalent or distributed in the state of California, exists in the state of Florida in the United States and in the island of Porto Rico;

NOW, THEREFORE, It is declared necessary in order to prevent the introduction of melanose into the state of California that a horticultural quarantine be and the same is hereby established at the boundaries of the state of California in accordance with the provisions of section 2319*b* of the Political Code of the state of California against all citrus fruits and citrus trees imported or brought from the state of Florida in the United States and from the island of Porto Rico; and no such citrus fruits or citrus trees shall be permitted to pass over the said quarantined lines so hereby established and proclaimed.

Hereafter, and until further notice, All citrus fruits and citrus trees from the aforementioned state and island are denied admittance into the state of California, and upon the arrival of any such fruits or trees as quarantined against in this order the same shall be immediately sent out of the state, or destroyed, at the option and expense of the owner, consignee or agent. All deputies of the State Commissioner of Horticulture or state quarantine guardians are hereby empowered to carry out the provisions of this order.

A. J. Cook,

State Commissioner of Horticulture.

Approved:

HIRAM W. JOHNSON,

Governor of the State of California.

Dated March 16, 1914.

QUARANTINE ORDER No. 24.

Pertaining to Tulare County points of entry.

Amendment to Order No. 22 adding the towns of Woodlake, Lemon Cove, and Springville to the list of Tulare County inspection points.

Ship-
ment of
nursery
stock
into
Tulare
county.

(Issued December 7, 1914. Amended by Order No. 27.)

QUARANTINE ORDER No. 25.

Pertaining to potato eelworm (*Heterodera radicicola*).

(Revocation of Quarantine Order No. 7.)

WHEREAS, Quarantine Order No. 6 was duly issued by the state of California against the potato eelworm, *Heterodera radicicola*, and at the time of its issuance was deemed necessary for the protection of the state of California; and

Potato
eelworm.

WHEREAS, Thereafter on December 23, 1911, Quarantine Order No. 7 was declared revoking Order No. 6, and containing certain qualifications or conditions; and

WHEREAS, Occasion no longer exists for the qualifications or conditions of Quarantine Order No. 7;

Therefore, Quarantine Order No. 7 is hereby revoked.

It is urged, however, that all potatoes, whether home grown or from any other states be carefully inspected and that any infested with eelworm be rigorously excluded.

(Signed) A. J. Cook,

State Commissioner of Horticulture.

Approved:

HIRAM W. JOHNSON,

Governor of the State of California.

Sacramento, California, December 12, 1914.

QUARANTINE ORDER No. 26.

(With Regulations.)

Pertaining to Mexican cotton boll weevil.Cotton
boll
weevil.

WHEREAS, The fact has been determined by the State Commissioner of Horticulture that an injurious insect known as the Mexican cotton boll weevil (*Anthonomus grandis* Boh.), new to and not hitherto known to exist within and throughout the state of California, exists in several states of the United States;

NOW, THEREFORE, It is declared necessary in order to prevent the introduction of the Mexican cotton boll weevil into the state of California that a horticultural quarantine be and the same is hereby established in accordance with the provisions of section 2319*b* of the Political Code of the state of California against cotton seed of all species and varieties imported or brought into the state of California from any other state or locality whatsoever, except as hereinafter provided.

REGULATIONS GOVERNING ENTRY OF COTTON SEED
INTO THE STATE OF CALIFORNIA.

Regulation 1. Cotton seed grown in any state or locality known to be infested with the Mexican cotton boll weevil is hereby prohibited from entering the state of California for any purpose whatsoever, and upon the arrival of any such cotton seed as quarantined against in this order, the same shall be immediately sent out of the state or destroyed at the option and expense of the owner, consignee or agent.

Regulation 2. Cotton seed grown in any state or locality where the Mexican cotton boll weevil is not known to exist will be admitted into the state of California only for actual experiments in the growing of cotton in amounts not to exceed one hundred pounds. Persons contemplating the importing or bringing into the state of California cotton seed for experi-

mental purposes shall first make application to the State Commissioner of Horticulture for a permit, stating in the application the name and address of the exporter, the locality where the cotton seed was grown, the amount of the importation and the name and address of the importer in the state of California to whom the permit should be sent.

Cotton
boll
weevil.

Regulation 3. Cotton seed imported or brought into the state of California under permit issued by the State Commissioner of Horticulture shall have each package or container in the shipment plainly and correctly marked to show the number of the permit, the quantity of the contents, the state and locality where grown, the name and address of the exporter and the name and address of the consignee.

Regulation 4. Railroad cars that have been used for the transportation of cotton, cotton lint or cotton seed must immediately upon arrival at California points be thoroughly cleaned of all cotton seed, and such cotton seed shall be burned when removed from the car. All such cars found at any point in California containing cotton seed in or upon any of the parts thereof shall be amenable to all the regulations of this order, and shall be placed in quarantine by the State Commissioner of Horticulture until said cotton seed is destroyed and the car passed as clean by a state quarantine officer.

All deputies of the State Commissioner of Horticulture or state quarantine guardians are hereby empowered to carry out the provisions of this order.

The foregoing regulations do not apply to the experiments of the United States Department of Agriculture in the state of California.

This order supersedes Quarantine Order

No. 19, under date of January 31, 1913, and shall take effect immediately.

A. J. Cook,

State Commissioner of Horticulture.

Approved:

HIRAM W. JOHNSON,

Governor of the State of California.

Adopted January 4, 1915.

AMENDMENT No. 1 TO QUARANTINE ORDER No. 26.

Pertaining to cotton boll weevil.

Cotton
boll
weevil.

The following facts have been determined by the State Commissioner of Horticulture, to wit:

The cotton boll weevil (*Anthonomus grandis* Boh.) is not known to exist in the state of Arizona; the state of Arizona has declared and is maintaining a quarantine against the entrance into the state of Arizona of the cotton boll weevil (*Anthonomus grandis* Boh.); and that the best interests of the cotton growers of the state of California require the introduction of Egyptian cotton seed grown in the county of Maricopa, Arizona.

Now, THEREFORE, It is declared that until further orders Egyptian cotton seed grown in the county of Maricopa, Arizona, may be imported into the state of California subject to the following regulations:

Regulation 1. Persons contemplating the importing or bringing into the state of California cotton seed grown in the county of Maricopa, Arizona, shall first make application to the State Commissioner of Horticulture of California for a permit to so do, stating in the application the name and address of the exporter, the locality where the cotton seed was grown, the amount of the importation, and the name and address of the importer in the state

of California to whom the permit should be sent. Cotton
boll
weevil.

Regulation 2. All persons importing or bringing into the state of California, cotton seed grown in the county of Maricopa, Arizona, shall secure in triplicate for each importation of cotton seed a certificate signed by the entomologist of the state of Arizona, setting forth the locality where the cotton seed, covered by the certificate, was grown. One copy of such certificate is to be filed with the State Commissioner of Horticulture of the state of California, one copy to be delivered to the State Quarantine Guardian before release of shipment of cotton seed to consignee, and one copy to be retained by the importer of the cotton seed.

The foregoing regulations do not apply to the experiments of the United States Department of Agriculture in the state of California.

Quarantine Order No. 26 is amended accordingly.

G. H. HECKE,

State Commissioner of Horticulture.

Approved:

HIRAM W. JOHNSON,

Governor of the State of California.

Issued February 16, 1917.

QUARANTINE ORDER No. 27.

(Tulare County. See Order No. 3.)

Quarantine Order No. 24, under date of December 7, 1914, is hereby amended to read as follows: Ship-
ment of
nursery
stock
into
Tulare
county.

WHEREAS, Quarantine Order No. 24, Tulare County, California, only permitted fruit and nursery stock and plants to be delivered at Porterville, Exeter, Lindsay, Tulare, Visalia, Ducor, Dinuba, Cutler, Pixley, Angiola, Terra Bella, Strathmore, Sultana, Tipton, Goshen, Farmersville, Richgrove, Woodlake, Lemon Cove and Springville; and

Ship-
ment of
nursery
stock
into
Tulare
county.

WHEREAS, Seville now has an agent; therefore,

It is hereby ordered and declared, That all the stations named above be places for delivery of nursery stock, fruit trees, fruit and plants, which, if found free from insects or disease, will be released by the deputy quarantine officer of said county.

(Signed). A. J. Cook,

State Commissioner of Horticulture.

Approved:

HIRAM W. JOHNSON,

Governor of the State of California.

Sacramento, California, March 9, 1915.

QUARANTINE ORDER No. 28.

Pertaining to canker of citrus fruits and citrus trees.

September 21, 1916.

Canker
of citrus
fruits.

The fact has been determined by the State Commissioner of Horticulture that a contagious disease, injurious to citrus fruits and citrus trees, known as citrus canker (*Pseudomonas citri*), new to and not heretofore prevalent or distributed in the state of California, exists in several states of the United States, and that the nature of this disease is so virulent as to cause the United States Department of Agriculture to issue a quarantine against the introduction of citrus nursery stock of every variety from all foreign countries.

NOW, THEREFORE, It is declared necessary, in order to prevent the introduction of citrus canker into the state of California, that a horticultural quarantine be and the same is hereby established at the boundaries of the state of California, in accordance with the provisions of section 2319*b* of the Political Code of the state of California, against all citrus fruits and citrus trees of every variety, including buds and scions, imported or brought

from any state or territory of the United States; and no such citrus fruits or citrus trees shall be permitted to pass over the said quarantine lines so hereby established and proclaimed. Canker
of citrus
fruits.

Hereafter, and until further notice, All citrus fruits and citrus trees, including buds and scions, from the aforementioned states and territories are denied admittance into the state of California, and upon the arrival of any such fruits or trees as quarantined against in this order, the same shall be immediately sent out of the state, or destroyed, at the option and expense of the owner, consignee or agent. All deputies of the State Commissioner of Horticulture, and state quarantine guardians are hereby empowered to carry out the provisions of this order.

The foregoing regulations do not apply to the experiments of the United States Department of Agriculture in the state of California.

GEO. P. WELDON,

Acting State Commissioner of Horticulture.

Approved:

HIRAM W. JOHNSON,

Governor of the State of California.

AMENDMENT No. 1 TO QUARANTINE ORDER No. 28.

Pertaining to citrus canker.

The fact has been determined by the State Commissioner of Horticulture, that the state of Arizona has declared and is maintaining a quarantine against the entrance into the state of Arizona of all host fruits and host plants of the citrus canker (*Pseudomonas citri*), and that the citrus canker does not exist in the state of Arizona. Canker
of citrus
fruits.

Therefore it is declared that until further orders the state of Arizona is exempted from the regulations of Quarantine Order No. 28.

Quarantine Order No. 28 is amended accordingly.

G. H. HECKE,

State Commissioner of Horticulture.

Approved November 28, 1916.

HIRAM W. JOHNSON,

Governor of the State of California.

QUARANTINE ORDER No. 29.

(With Regulations)

Pertaining to alfalfa weevil.

Alfalfa
weevil.

The fact has been determined by the State Commissioner of Horticulture that an insect injurious to alfalfa, known as the alfalfa weevil (*Phytonomus posticus*), new to and not heretofore prevalent or distributed in the state of California, exists in the state of Utah and in certain counties in the state of Idaho, to wit: Cassia, Bingham, Bear Lake, Oneida, Bannock, Franklin and Power, and in certain counties in the state of Wyoming, to wit: Sweetwater, Uinta and Lincoln.

Now, THEREFORE, It is declared necessary, in order to prevent the introduction of the alfalfa weevil into the state of California, that a horticultural quarantine be and the same is hereby established at the boundaries of the state of California, in accordance with the provisions of section 2319*b* of the Political Code of the state of California, against all alfalfa and other hay and cereal straw, agricultural emigrant movables, live stock, potatoes and nursery stock, except as hereinafter provided.

Regulation 1. Alfalfa hay and other hay of all kinds and cereal straws that have been grown or stored in the state of Utah or in the counties in the states of Idaho and Wyoming aforementioned in this order, are hereby prohibited from entering the state of California for any purpose whatsoever, and upon the

arrival of any such hay or straw as quarantined against in this order, the same shall be immediately sent out of the state or destroyed, at the option and expense of the owner or owners, his or their responsible agents.

Alfalfa
weevil.

Regulation 2. Potatoes grown in the aforementioned state and counties where the alfalfa weevil is known to exist will be admitted into the state of California only when accompanied by an official certificate signed by the state inspection officer of the state in which such shipments of potatoes originate, setting forth that the potatoes in the shipment have been passed over a screen, placed in fresh, clean sacks, and packed in cars that are free of alfalfa hay or other hay and cereal straws.

Regulation 3. All nursery and ornamental stock and other plants imported or brought into the state of California from the aforementioned state and counties, must be packed in fresh shavings, excelsior or other suitable packing (except tule, hay or straw), and that each shipment must be accompanied by an official certificate setting forth that each package in the shipment has been fumigated for a period of one hour for alfalfa weevil in an airtight enclosure, subsequent to being boxed, baled or packed for shipment, with cyanide of potassium or sodium at the rate of one ounce to each one hundred cubic feet of space.

Regulation 4. All agricultural emigrant movables imported or brought into the state of California from the aforementioned state and counties must be accompanied by an official certificate of inspection made under oath and setting forth that such agricultural emigrant movables as enumerated in the certificate have been inspected and found to be free and clean of alfalfa hay, all other kinds of hay and cereal straw, at time of departure or shipment.

Alfalfa
weevil.

Regulation 5. Railroad cars that have been used for the transportation of live stock in or through any part of the state of Utah or the counties in the states of Idaho or Wyoming aforementioned in this order must be clean and free of alfalfa hay, all other kinds of hay or cereal straw before entering the state of California.

All deputies of the State Commissioner of Horticulture or state quarantine guardians are hereby empowered to carry out all the provisions of this order.

This order supersedes Quarantine Order No. 20, issued February 27, 1913.

G. H. HECKE,

State Commissioner of Horticulture.

Approved:

HIRAM W. JOHNSON,

Governor of the State of California.

Dated, December 29, 1916.

QUARANTINE ORDER No. 30.

Pertaining to white pine blister rust.

White
pine
blister
rust.

The fact has been determined by the State Commissioner of Horticulture that a contagious tree disease, known as white pine blister rust (*Peridermium strobi*, Kleb.), new to and not heretofore distributed within and throughout the state of California exists in several states of the United States, and that the species and varieties of currants and gooseberries (*Ribes*) are known to be carriers of this disease.

NOW, THEREFORE, It is declared necessary, in order to prevent the introduction of white pine blister rust into the pine forests of the state of California, that a horticultural quarantine be and the same is hereby established at the boundaries of the state of California, in accordance with the provisions of section 2319b of the Political Code of the state of California, against all five-leafed pine trees, and all species

and varieties of currant and gooseberry plants and cuttings, imported or brought from any and all states and districts of the United States east of the Mississippi river, and no such five-leaved pine trees, or currant or gooseberry plants or cuttings shall be permitted to pass over the said quarantine lines so hereby established and proclaimed.

White
pine
blister
rust.

Hereafter, and until further notice, All five-leaved pine trees, and currant and gooseberry plants and cuttings, from any and all states and districts of the United States east of the Mississippi river are denied admittance into the state of California, and upon the arrival of any such trees, plants or cuttings as quarantined against in this order, the same shall be immediately sent out of the state, or destroyed, at the option and expense of the owner or owners, his or their responsible agents. All deputies of the State Commissioner of Horticulture, and state quarantine guardians are hereby empowered to carry out the provisions of this order.

G. H. HECKE,

State Commissioner of Horticulture.

Approved February 1, 1917.

HIRAM W. JOHNSON,

Governor of the State of California.

QUARANTINE REGULATIONS.

REGULATION No. 1.

Pertaining to peach yellows and peach rosette.

Prohibiting the transportation of shipment into California of all peach, nectarine or apricot trees, or cuttings, grafts, scions, buds or pits of such trees or any trees budded or grafted upon peach stock, etc., from states affected. Distribution shown on map.

Peach
yellows,
peach
rosette.

(Issued March 29, 1913. Superseded by Regulation No. 5.)

REGULATION No. 2.**Pertaining to melanose of citrus fruits.**

Melan-
ose.

The presence of the fungus known as melanose found in citrus fruits sent into California considered sufficient cause to reject the shipment

(Issued May 23, 1913. Superseded by Order No. 23.)

REGULATION No. 3.**Pertaining to inspection of automobile tops on ships from Hawaii.**

Mediterranean
fruit fly.

The fact has been determined by the State Commissioner of Horticulture that the horticultural quarantine officers at the port of San Francisco have found the pupæ of flies in the folded tops of automobiles arriving from points in Hawaiian Territory, and recognizing the possibility of the mature larvæ of the Mediterranean fruit fly dropping from infested fruit on trees beneath which automobiles may have halted while traversing through Hawaii, and the apparent danger of introducing this pest into California through this source; therefore,

Notice is hereby given, That under authority granted me by section 1 of the act of January 2, 1912 (Stats. Ex. Sess. 1911, page 434), that all quarantine officers, acting under authority of the State Commissioner of Horticulture, are instructed to make inspection of the tops of automobiles received at the port of San Francisco, or any other California port, from points in Hawaiian Territory to discover whether the same contain any such injurious insects or eggs, larvæ, pupæ or adults, and for that purpose to detain such automobiles until such inspection may be completed.

(Signed) A. J. Cook,

State Commissioner of Horticulture.

Sacramento, California, September 13, 1913.

REGULATION No. 4.**Pertaining to peach yellows and peach rosette.**

Same as Regulation No. 1, with the addition of the states and territories quarantined against. Peach yellows, peach rosette.

(Issued October 25, 1913. Superseded by Order No. 5.)

REGULATION No. 5.**Pertaining to peach yellows and peach rosette.**

To all state horticultural quarantine officers and state quarantine guardians:

Quarantine Circular No. 4 is hereby amended to read as follows:

With a view to the proper and full application of all the provisions set forth in section 6 of the state quarantine law, the State Commissioner of Horticulture of California has caused diligent and continuous inquiry (covering a period of two years) to be made at all sources of information, both official and otherwise, concerning the distribution of the diseases known as "peach yellows" and "contagious peach rosette" in and throughout the United States. In digesting the information received from these sources upon this matter full consideration has been given to the insidious character of these diseases and the admitted impossibility of detecting the presence of the same in nursery stock or in young orchards. With a keen realization of these facts, as also the apparent indefinite knowledge of the exact extent of infected localities, as expressed by the officials of these states, it was decided as a matter of the greatest protection to the horticultural interests of California to use state lines as boundaries of infected districts as expressed in section 6 of the state quarantine law. Peach yellows, peach rosette.

Based upon the information acquired from these official sources up to the present time it

Peach
yellows,
peach
rosette.

has been determined that the area to which all of the provisions set forth in section 6 shall apply is outlined as follows: The states of Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Pennsylvania, West Virginia, Virginia, North Carolina, Tennessee, Kentucky, Mississippi, Ohio, Michigan, Indiana, Illinois, Arkansas, Nevada, Florida and the province of Ontario in Canada.

Until further orders all state horticultural quarantine officers and state quarantine guardians are hereby directed to refuse admittance into the state of California of all peach, nectarine, or apricot trees or cuttings, grafts, scions, buds or pits of such trees, or any trees budded or grafted upon peach stock or peach roots grown at or that have been in any district within the aforementioned area.

(Signed) A. J. Cook,

State Commissioner of Horticulture.

Sacramento, California, October 30, 1913.

QUARANTINE REGULATION No. 6.

Pertaining to chestnut bark disease.

Chestnut
bark
disease.

The fact has been determined by the State Commissioner of Horticulture that a virulent disease of chestnut trees known as chestnut bark disease (*Endothia parasitica* Murr.), new to and not known to exist in the state of California, is widely distributed in several states of the United States, and that this disease can readily be transported on nursery stock.

Therefore, all state quarantine guardians are hereby urged to be especially diligent in examining chestnut trees imported into the state of California.

The following description taken from the Year Book of the Department of Agriculture for 1912 is here quoted for guidance at time

of making inspection of imported chestnut trees: Chestnut
bark
diseases.

"Nursery trees affected by the bark disease rarely show it prominently at the time when they are shipped; the threads of conidia or the yellow or orange pustules are rarely present, and usually all the inspector can find is a small, slightly depressed, dark-colored area of dead bark, usually near the ground, which is easily overlooked or mistaken for some insignificant injury. Upon cutting into such a spot the inner bark shows a most characteristic disorganized 'punky' appearance quite different from that of any other bark injury. Occasionally a yellowish brown or reddish band or blotch, either girdling or partly girdling the young tree, may be seen, which is very characteristic."

All state quarantine guardians are hereby requested to segregate and hold any and all chestnut trees showing symptoms as described above, and forward samples in tight containers to the Quarantine Office at San Francisco for determination.

(Signed) G. H. HECKE,

State Commissioner of Horticulture.

Issued December 4, 1916.

FRESH FRUIT STANDARDIZATION LAW.

An act to promote the development of the California fresh fruit industry in state and interstate markets, and to protect the state's reputation in these markets by establishing a standard for the packing of certain fresh fruits specified therein, and to prevent deception in the packing, prescribing penalties for violation of the provisions hereof, and repealing all acts inconsistent herewith.

[Approved May 24, 1917. In effect July 27, 1917.]

The people of the State of California do enact as follows:

SECTION 1. To promote the development of the California fresh fruit industry and to prevent deception in packing for state or interstate shipment, there is hereby created and established a "standard" for the packing of fresh fruits of the kinds specified in this act.

SEC. 2. Unless specifically excepted in this act, all of its provisions shall be applicable to all fresh fruits specified herein when packed, shipped, delivered for shipment, offered for sale or sold in any container or subcontainer.

SEC. 3. All fresh fruits of the kinds specified in this act when packed shall be practically free from insects and fungous diseases.

SEC. 4. All fresh fruits of the kind specified in this act, except citrus fruits, which shall be sold in bulk or loose in the box or in any other manner, excepting in standardized packs as provided in this act (excepting grapes, which must conform to the sugar standards provided in section eight *a* hereof), shall be exempt from the provisions of this act.

SEC. 5. When used in this act the words herein mentioned shall be defined as follows: "Pack, packing or packed," shall mean the

Stand-
ard
fruit
pack.

Free
from
insects
and
fungous
diseases.

Fruit
sold in
bulk.

Defini-
tions.

regular compact arrangement of all or part of the fruit in any container or subcontainer used for the purpose of sale or transportation for sale. The words "in bulk or loose in the box without packing" shall mean the indiscriminate placing without any thought of regular arrangement of any of the kinds of fresh fruit mentioned in this act into a box, wagon or other receptacle used for the purpose of sale or transportation for sale.

The words "fresh fruit" shall mean the fresh product of any tree, vine or plant mentioned in this act. Definitions.

The word "maturity" shall mean a degree of ripeness fit for shipment.

The word "county" includes a consolidated "city and county."

The word "container" shall mean any box, crate or other package used to hold or contain packed fresh fruit.

The word "subcontainer" shall mean any basket or other receptacle used within a container of packed fresh fruit.

SEC. 6. All cherries packed in containers or subcontainers shall contain cherries well colored, of practically uniform size, quality, and maturity and one variety only, excepting that such containers may contain more than one variety if such fact be plainly stamped on the outside thereof with the words "mixed varieties" with letters not less than one-half inch high. Each container or subcontainer shall be stamped on the outside with the minimum weight of contents and the container shall have the name of variety or varieties stamped thereon. Cherries.

SEC. 7. Peaches, apricots, pears, quinces, tomatoes, plums and prunes when packed shall be of practically uniform size, quality and maturity. When packed in containers made up of two or more subcontainers having sloping sides, for the purpose of ventilation of Peaches,
etc.

Variations in size and count.

the fresh fruit therein, the contents shall not vary in size more than ten per cent in each layer, and not more than twenty per cent in the whole subcontainer, and no layer below the top layer shall contain a greater numerical count than the top layer. Each container or subcontainer shall be stamped upon the outside with the minimum weight of its contents. Each container shall bear in plain letters the name of the variety contained therein. When packed in a container having perpendicular sides and ends, each shall contain approximately the same numerical count in each layer; *provided*, that when peaches are packed in containers having perpendicular sides the container shall also be marked upon the outside of the end thereof in plain figures with the approximate number of peaches in the box, which shall be within four peaches of the true count.

Lug boxes.

When the fresh fruits mentioned in this section are packed in containers known to the trade as "lug" boxes, the provisions of this section appertaining to variety, numerical count and marking shall not apply.

Grapes.

SEC. 8a. Table grapes, when packed, shall be of practically uniform quality and shall be well matured and show a sugar content of not less than seventeen per cent Balling scale, except Emperor, Gros Coleman and Cornichon, which shall show not less than sixteen per cent Balling scale. Each crate or package except subcontainers shall be stamped in plain letters with the name of the variety of grapes therein. Each container, or subcontainer, shall be stamped in plain figures and letters upon one end with a minimum net weight, and no container or subcontainer shall contain less than the minimum stamped thereon. Irregular containers in addition thereto, shall be plainly marked "irregular" and have the actual gross weight stamped thereon.

SEC. 8b. The standard containers for table Grape
con-
tainers. grapes when packed shall be:

1. Standard crate, which after packing when measured at the end, shall not exceed five inches between the top and bottom and when measured in the center shall not exceed five and three-fourths inches between the top and bottom and containing a minimum net weight of not less than twenty-four pounds.

2. Double crates containing a minimum net weight of not less than forty-eight pounds.

3. One-half crates containing a minimum net weight of not less than twelve pounds.

4. Thirty pound lugs containing a minimum net weight of not less than twenty pounds.

5. Forty pound lugs containing a minimum net weight of not less than thirty-two pounds.

6. Fifty pound lugs containing a minimum net weight of not less than forty-two pounds.

7. Williams lugs containing a minimum net weight of not less than twenty-four pounds.

8. Kegs or drums packed with sawdust or other preserving material, containing a minimum net weight of not less than twenty-nine pounds and a maximum net weight of not more than thirty-five pounds.

9. All other containers of table grapes shall be "irregular" containers.

SEC. 9. The standard container for berries Berries. shall be: Dry quart containing an interior capacity of sixty-seven and two-tenths cubic inches, or dry pint containing an interior capacity of thirty-three and six-tenths cubic inches, or dry one-half pint containing an interior capacity of sixteen and eight-tenths cubic inches, or baskets four and one-half by four and one-half by two and one-fourth in depth, or baskets four and one-half by four and one-half by two in depth, or baskets four and one-half by four and one-half by one and three-eighths in depth; all measurements are in inches or fractions thereof. All other sizes

shall be marked "irregular." When packed, the berries in any container or subcontainer shall be practically uniform throughout the container, or subcontainer, in quality, color and maturity. Irregular containers shall be marked "irregular."

Canta-
loupes. SEC. 10. Cantaloupes packed in containers as follows shall be known as standard packed:

Standard crates twelve by twelve by twenty-two and one-half inches containing forty-five or thirty-six cantaloupes;

Pony crates eleven by eleven by twenty-two and one-half inches containing forty-five or fifty-four cantaloupes;

Jumbo crates thirteen by thirteen by twenty-two and one-half inches containing thirty-six or forty-five cantaloupes;

Standard flats four by twelve by twenty-two and one-half inches containing twelve or fifteen cantaloupes;

Jumbo flats four and one-half by thirteen and one-half by twenty-two and one-half inches containing twelve or fifteen cantaloupes.

All measurements herein to be inside measurements without distention.

All other sizes of containers when packed shall be marked "irregular." All standard packs shall be marked "standard." All containers when packed shall have the number of cantaloupes contained therein stamped in plain figures on the label end of the crates with figures not less than one-half inch high. All cantaloupes when packed shall be fully netted of uniform size, firm and mature, free from bruises and practically free from aphid honey dew and other defects.

Citrus
fruits. SEC. 11a. It shall be unlawful for any one to sell, offer for sale, ship or deliver for shipment any citrus fruits, which are immature or frozen to the extent of injuring the reputation of the citrus industry of the State of California if shipped, and for any one to receive any

such citrus fruits under a contract of sale, or for the purpose of sale, or for shipment, or for delivery for shipment; *provided, however*, that nothing in this section contained shall be construed to prevent the sale or shipment for sale of frozen or otherwise defective fruit to a by-product factory, or the manufacture thereof into citrus by-products; nor shall this section apply to the sale, or contract for sale, of citrus fruits on the trees, nor shall it apply to common carriers or their agents who are not interested in such fruits and are merely receiving the same for transportation.

SEC. 11b. An orange shall be deemed properly matured for sale, or to be offered for sale, for shipment, or to be offered for shipment, under the provisions of this act, either when the juice contains soluble solids equal to, or in excess of, eight parts to every part of acid contained in the juice, the acidity of the juice to be calculated as citric acid without water of crystallization, or when the orange is substantially colored on the tree. The foregoing provisions shall not apply to shipments of oranges to foreign countries other than the Dominion of Canada, during any season, provided such shipments are made after the first day of November.

SEC. 12. All containers of fruit of a kind specified in this act, except subcontainers, when packed and offered for sale, shall bear upon them in plain sight and in plain letters on the outside thereof, the name of the orchard where the same was produced, with the post-office address thereof, or the name and post-office address of the person, firm, company or corporation, or organization who shall have first packed or authorized the packing of the same, or the name under which such packer shall be engaged in business, together with the post-office address of such packer.

Citrus
fruits.Labeling
of con-
tainers.

Inspector of
fruits,
duties
of.

SEC. 13. The office of "inspector of fresh fruits" is hereby created for each and every county in the state. The horticultural commissioner of each county, and all deputy horticultural commissioners shall be *ex officio* inspectors of fresh fruits thereof, and the district inspectors under each county horticultural commissioner are *ex officio* "deputy inspectors of fresh fruits" in their respective districts. The board of supervisors shall appoint as many deputy "inspectors of fresh fruits" as are necessary to carry out the provisions of this act. Their term of office shall be for such time as is deemed necessary by said board of supervisors. For the purpose of creating and securing unity in inspection, the offices of "inspectors in chief of fresh fruits" are hereby created, and the state commissioner of horticulture and his chief deputy, for the purposes of this act, are hereby made *ex officio* such inspectors in chief and shall, where there is a dispute or difference between the inspectors of fresh fruits of two or more counties, or where the interpretation of inspection standards between two or more counties differs materially, have the power and authority to settle the dispute between the inspectors of fresh fruit of such counties and to fix reasonable standards between such counties where they materially differ.

Inspectors in
chief of
fresh
fruits.

Appointment of
inspectors in
counties
where no
commissioner is
present.

SEC. 14. If in any county or city and county of this state, there is no commissioner of horticulture, it shall be the duty of the board of supervisors thereof to appoint an inspector of fresh fruits and such deputy inspectors of fresh fruits as the said board of supervisors shall deem necessary. Such inspectors and deputy inspectors of fresh fruits shall be appointed to serve for such time during each year as fresh fruits are being packed or shipped in said county or city and county. The salary of an inspector of fresh fruits shall be five

dollars per day and necessary traveling expenses. The salary of a deputy inspector of fresh fruits shall be three dollars and fifty cents per day and necessary traveling expenses.

SEC. 15. In case the board of supervisors of ^{Failure} any county, or city and county, shall fail or ^{of} neglect, for thirty days after receipt of a ^{super-} written request from the state commissioner of ^{visors to} horticulture, to appoint an inspector of fresh ^{appoint} fruits, or necessary deputy inspectors of fresh ^{inspector} fruits, then the said state commissioner of horticulture shall forthwith assign to said county, or city and county, one or more deputy state commissioners of horticulture, as he shall deem necessary, and such deputy or deputies shall perform all of the duties, within the said county or city and county to which assigned, as is provided in this act to be performed by an inspector of fresh fruits. The actual cost of services rendered by an inspector or deputy inspector, as the case may be, of fresh fruits, assigned to any county in pursuance hereof, together with his necessary traveling expenses shall be a county charge and shall be paid in the same manner in which other claims against the county are paid.

SEC. 16. The board of supervisors shall ^{Power of} remove any inspector of fresh fruits and the ^{super-} inspector of fresh fruits shall remove any ^{visors to} deputy upon proper showing of neglect of ^{remove} duty, malfeasance in office, or general unfitness for office. Whenever a vacancy in the office of inspector of fresh fruits or deputy inspector of fresh fruits occurs, the vacancy shall immediately be filled by the appointing ^{fruit in-} power. ^{spectors.}

SEC. 17a. Every inspector of fresh fruits ^{Powers} and every deputy inspector of fresh fruits shall ^{of fruit} have power to enter and to inspect every place ^{inspect-} within the county for which he has been appointed where any fruit mentioned in this act ^{ors.}

is produced, packed, shipped, delivered for shipment, offered for sale or sold, and to inspect such places and all such fruits and the containers thereof and the equipment found in any such places.

Duties
of in-
spectors.

SEC. 17*b*. It shall be the duty of the inspectors or deputy inspectors of fresh fruit in their respective districts to enforce the provisions of this act and to cause the prosecution of any person, firm, corporation or organization, whom they know or have reason to believe is guilty of the violation of its provisions.

SEC. 17*c*. An inspector or deputy inspector of fresh fruits in the performance of their duties shall have the same powers as are possessed by peace officers of the city, county or state and shall have the right while exercising such police powers to seize and hold as evidence such amount of any pack, load, consignment or shipment of fresh fruit packed in violation of this act, as may in his judgment be necessary to secure the conviction of the party he knows or believes has violated or is violating this act.

Duty of
district
attor-
ney.

SEC. 17*d*. It shall be the duty of the district attorney of each and every county in the state to prosecute all persons charged with any violation of this act.

Right of
refusal
to ship
fruit
packed
in viola-
tion of
this act.

SEC. 18. It shall be lawful for any fresh fruit forwarding person, firm, corporation or organization and for any common carrier to decline to accept for shipment or transportation and to decline to ship or transport any fresh fruits which upon inspection are found to be packed in violation of the provisions of this act, and any such fruit forwarder or common carrier may reserve the right in any receipt, bill of lading or other writing given to the consignor, thereof, to reject for shipment and to return to such consignor or hold at the expense and risk of the latter, all fresh fruits

which upon inspection are found to be packed in violation of the provisions of this act.

SEC. 19. No person, firm, corporation, company or organization shall pack or cause to be packed for sale or shipment, or shall ship or sell or offer for sale fruit which, or the container or subcontainer in which, the same shall be contained, shall in any respect fail to comply with the requirements of this act. Violation.

Any person, firm, corporation, company or organization who shall violate the provisions of this act shall be deemed to be guilty of a misdemeanor.

SEC. 20. All laws in conflict with this act or any part thereof are hereby repealed only in so far as they may conflict with any of the provisions of this act.

SEC. 21. If any section, subsection, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional. Constitutionality.

APPLE STANDARDIZATION LAW.

An act to establish standards for the packing and marketing of apples, forbidding the sale of certain infected and diseased apples, providing for its enforcement, fixing penalties for its violation, and making an appropriation to carry into effect the provisions thereof, and repealing an act entitled "An act to establish a standard for the packing and marketing of apples, fixing penalties for the violation of its provisions, and providing for its enforcement and making an appropriation to carry into effect the provisions hereof," approved June 10, 1915.

[Approved May 7, 1917. In effect July 27, 1917.]

The people of the State of California do enact as follows:

Stand-
ard
apple
act.

SECTION 1. This act shall be known, and for any and all purposes may be designated and referred to, as "The standard apple act of 1917."

Stand-
ard
grades.

SEC. 2. The following standard grades are hereby established for apples, packed, shipped, delivered for shipment, offered for sale or sold, in the State of California, when contained in closed packages:

Cali-
fornia
Fancy
grade.

(a) The "California Fancy" grade shall consist of apples of well-grown, properly matured specimens of one variety, hand-picked, with stems retained therein, well colored for the variety, uniform in size, well packed, and shall be free from insect pests, diseases, visible rot, visible dry rot, visible Baldwin spot, insect bites, bruises and other defects, except such bruises and defects as are necessarily caused in the operation of packing, and virtually free from dirt; *provided, however*, that a variation from the said standard, as to insect pests, diseases, dry rot, Baldwin spot, insect bites,

bruises and other defects, shall be allowed, not to exceed ten per cent total of such defects in any one package, nor to exceed three per cent of any one such defect; *and provided, further*, that a variation in size of the apples shall be allowed, not to exceed three-eighths of one inch, as the same may be measured by the smallest diameter thereof.

(b) The "B grade" shall consist of apples of ^{grade.} "B" well-grown, properly matured specimens of one variety, hand-picked, uniform in size, well packed, free from insect pests, diseases, visible rot, visible dry rot, visible Baldwin spot, insect bites, sun scald and frost bite more than skin deep, and bruises resulting in the breaking of the skin and virtually free from dirt; *provided, however*, that insect bites which have healed in the process of maturity of the apple, and slightly misshapen apples shall be permitted in this grade; that a variation in size of the apples shall be allowed, not to exceed three-eighths of one inch, as the same may be measured by the smallest diameter thereof, and that a variation from the said standard, as to insect pests, diseases, dry rot, Baldwin spots, bruises and other defects, shall be allowed, not to exceed ten per cent total of such defects in any one package, nor to exceed three per cent of any one such defect.

(c) The "C grade" shall consist of apples of ^{grade.} "C" of properly matured specimens of one variety, free from insect pests, visible rot, visible dry rot, visible Baldwin spots and diseases; *provided, however*, that a variation from said standard as to insect pests, dry rot, Baldwin spots and diseases, shall be allowed, not to exceed ten per cent total of such defects in any one package, nor to exceed three per cent of any one such defect.

SEC. 3. Every closed package in which any State-apples are packed, shipped, delivered for shipment on each box, offered for sale or sold, in the State of

State-
ment on
each
box.

California, shall bear upon the outside thereof, and on the labeled or branded end, in plain words or figures and in the English language, the following: The grade of the apples therein contained, as herein defined, the designation of grade, when the stamps hereinafter provided for are not used, being stated in letters not smaller than thirty-six point type, that is, not less than one-half inch in height; the number of apples contained in the package or the net weight of the apples contained therein; the variety of the apples contained in the package, unless the variety be unknown to the packer, in which case the variety shall be stated as unknown; the name and business address of the person, firm, company, organization or corporation, who first packed or caused the same to be packed, and, if repacked, the name and address of the person, firm, company, organization or corporation who repacked the same or caused them to be repacked; the date when such apples were first packed, or if repacked, the date of repacking; *provided, however*, that a variation of five apples, more or less, than the number stated, shall be allowed.

Apples
marked
with
standard
labels
must be
packed
in
accord-
ance
with
act.

SEC. 4. No person, firm, company, organization or corporation, shall sell or offer for sale, within the State of California, any apples labeled, designated, invoiced or represented to be, of "California Fancy" or "B" or "C" grade, whether contained in closed packages or otherwise, unless the same shall conform to the standard for such grade herein established; *provided, however*, that nothing herein contained shall prevent the grading of Gravenstein apples as "California Fancy," though the stems be not retained therein.

Disposi-
tion of
diseased
apples.

SEC. 5. No person, firm, company, organization or corporation, shall import into this state, or sell, barter, offer for sale or have in his possession for sale, any apples infected with any insect pest or the pupæ or larvæ thereof or

any disease; *provided, however*, that this section shall not be construed to prevent a grower of fruit so infected in the State of California from selling the same, as a part of his crop, in bulk, to a packer, or to prevent a grower or packer from manufacturing the same into an apple by-product, or from selling the same to the operator of a by-product factory for the purpose of such manufacture; *and provided, further*, that the provisions of this section shall be construed to be limited by the variations allowed by the terms of section two of this act.

SEC. 6. No statement, figure, design or device, appearing upon any container in which apples are sold, bartered, or offered for sale, or in which apples are packed for sale or shipment, or upon the brand or lining of any such container, or upon the wrapper of any apple therein contained, or upon any sign or placard used in connection therewith and having reference to the apples contained, shall be false or misleading, in any particular. The word "Fancy" shall not be used with reference to any apples the grade of which does not conform to the standard for "California Fancy" as in this act defined.

State-
ments
on box
must
not be
mis-
leading.

SEC. 7. The state commissioner of horticulture of California shall be charged with the enforcement of the provisions of this act, and for that purpose shall have power:

Powers
of horti-
cultural
commis-
sioner.

(a) To enter and to inspect every place within the State of California where apples are produced, packed, shipped, delivered for shipment, offered for sale or sold, and to inspect such places and all apples and apple containers and equipment found in any such place.

(b) To design, and cause to be printed or lithographed, suitable uniform stamps to be used on packages containing apples of the various grades, standards for which are established by the terms of this act, to sell the same

Powers
of horti-
cultural
commis-
sioner.

as hereinafter provided, and to prescribe the method of canceling the same.

(c) In accordance with the provisions of the civil service law of this state, to appoint, superintend, control and discharge such chief inspectors and subordinate inspectors as in his discretion may be deemed to be necessary, for the special purpose of enforcing the terms of this act, to prescribe their duties, and, in conjunction with the board of control, to fix their compensation, provided that no chief inspector shall be paid more than seven dollars per day and no subordinate inspector more than five dollars per day.

(d) Personally, or through any deputy or any such inspector, to seize and retain possession of, any apples or apple boxes packed, shipped, delivered for shipment, offered for sale or sold, in violation of any of the provisions of this act.

(e) In the name of the people of the State of California to cause to be instituted and to prosecute, in the superior court of any county or city and county of the State of California, in which apples packed, shipped, delivered for shipment, offered for sale or sold, in violation of any of the provisions of this act, may be found, an action or actions for the condemnation of apples as provided in section thirteen of this act.

Sale of
stamps.

SEC. 8. The stamps designed and provided by the state commissioner of horticulture of California, as provided by section seven of this act, by him shall be placed on sale and sold to any person who may apply therefor, at the price of one-half cent each. All moneys received by him from the sale of such stamps shall be paid over to the treasurer of the State of California, who shall deposit the same to the credit of a fund to be used exclusively for the payment of the expenses of enforcing the

provisions of this act, and to be paid out only upon claims approved by the state commissioner of horticulture of California and by the board of control.

SEC. 9. The inspectors appointed by the state commissioner of horticulture of California, as in section seven hereof provided, shall be citizens of the United States, and of the State of California, not less than twenty-one years of age, shall be skilled in the inspection of apples, and have a thorough knowledge of insect pests and diseases commonly preying upon such fruit; they shall have power to enter and to inspect every place within the State of California where apples are produced, packed, shipped, delivered for shipment, offered for sale or sold, and to inspect all such places and apples and apple containers, found in any such place; and shall perform such other duties as may be prescribed by the state commissioner of horticulture of California, or by law. ^{Inspectors.}

The said commissioner shall assign such inspectors to such territory, within the state, as he may see fit; *provided*, that when the stamps purchased for any year by packers in any town, city or district, shall yield a sum of money sufficient to pay the expense thereof, such commissioner shall assign one inspector or more for special duty in such town, city or district, during the packing season of that year, or for a longer period, if deemed to be necessary; *and provided, further*, that in the discretion of said horticultural commissioner, he may refuse to permit inspection of fruit at the place where same is being packed if packed by any person, firm, company, organization or corporation who shall not make use of the stamps hereinabove provided for upon the packages of "California Fancy," "B" and "C" grade apples packed by him or it.

Re-
packing
of
apples in
stand-
ard con-
tainers.

SEC. 10. No container to or on which is attached any such stamp or on which shall appear the designation of grade as "California Fancy," "B" grade or "C" grade, shall be used as the container of any apples, other than those originally packed therein, until such stamp or grade designation has been removed; *provided*, that when apples are repacked, without the addition of new stock, other than stock of the same grade and from the same lot of which the package or packages repacked is or are a part, the same containers may be used without removing the stamps or grade designations.

Inspection
author-
ized.

SEC. 11. No person, firm, company, organization or corporation, shall refuse to permit the state commissioner of horticulture of California, or any of his duly appointed deputies, or any inspector duly appointed by said commissioner under the provisions of this act, to enter or to inspect any place within the State of California where apples are produced, packed, shipped, delivered for shipment, offered for sale or sold, or to inspect such places, or any apples or apple containers or any equipment found there.

Penalty.

SEC. 12. Any person, firm, company, organization or corporation, who shall violate any of the provisions of this act shall be punishable by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

Offering
apples in
violation
of act.

SEC. 13. Any apples packed, shipped, delivered for shipment, offered for sale or sold, in violation of any of the provisions of this act, and the containers in which they may be, shall be deemed to be a public nuisance, may be seized by said commissioner of horticulture, or his deputy, or by any inspector appointed under the provisions of this act, or by any county horticultural commissioner or his

deputy, and by order of the superior court of the county or city and county within which the same may be found, shall be condemned and destroyed or released upon such conditons as the court in its discretion may impose to insure that they will not be packed, shipped, delivered for shipment, offered for sale or sold in violation of any of the provisions of this act.

SEC. 14. No person, firm, company, organization or corporation, shall be convicted of a violation of any provision of this act, if he shall establish a guaranty, signed by the person, firm, company, organization, or corporation, residing or lawfully engaged in business in the State of California, by or for whom the apples in question were originally packed, or repacked, to the effect that the apples, container, brand and label in question comply in all respects with the provisions of this act, and in addition, shall establish that the same are in substantially the same condition, in every respect, as they were when they were delivered out of the possession of such packer, and that the accused was not aware that such apples, container, brand or label, were or was in any respect in violation of any provision of this act. The signature to such guaranty may be printed, when done by the authority of the signer. To afford protection, such guaranty, in form and substance, must be substantially as follows:

"The undersigned guarantees that (this box or other package of apples or the boxes or other packages of apples mentioned in this, or the attached invoice, or all boxes or other packages of apples packed or repacked by the undersigned), comply, in all respects with the standard apple act of 1917. (Signature of the packer, with statement as to whether packer is firm, company, organization or corporation and business address.)"

Guarantee of compliance with act.

Form of guarantee.

Where the guaranty is used on each separate box, it may consist of the legend, "guaranteed by the packer, under the standard apple act of 1917," printed, stamped or written on the labeled or branded end of the package.

Duty of
district
attor-
ney.

SEC. 15. It shall be the duty of the district attorney of the county, or city and county, in which any violation of this act may occur, to prosecute the person, firm, company, organization or corporation accused of such violation, and also, at the request of the state commissioner of horticulture, or any one of his deputies, to institute and prosecute such actions for condemnation as may be authorized under the provisions of this act.

Unlawful
act not
made
lawful.

SEC. 16. No act which is made unlawful by any provision of an act of the legislature of the State of California, entitled, "An act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors and regulating the traffic therein, providing penalties, establishing a state laboratory for foods, liquors and drugs and making an appropriation therefor," approved March 11, 1907, or any amendment thereto, shall be deemed lawful by reason of any provision of this act; nor shall this act be construed in any respect to limit the powers of the state board of health.

Appro-
priation.

SEC. 17. The sum of five thousand dollars (\$5,000) is hereby appropriated out of any money in the state treasury, not otherwise appropriated for the payment of the cost of printing, lithographing, stationery, stamps, clerical assistance, traveling expenses and salaries of inspectors and office rentals, incurred by the state commissioner of horticulture in the enforcement of this act during the fiscal years commencing July 1, 1917, and July 1, 1918, respectively. The state controller is hereby authorized to draw his warrants for

the sum herein appropriated in favor of said commissioner and the state treasurer is hereby directed to pay the same.

SEC. 18. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional. Constitutionality.

SEC. 19. An act entitled "An act to establish a standard for the packing and marketing of apples, fixing penalties for the violation of its provisions, and providing for its enforcement and making an appropriation to carry into effect the provisions hereof," approved June 10, 1915, is hereby repealed.

CERTIFIED SEED POTATO LAW.

An act to establish a standard for California certified seed potatoes and to prevent the sale of other potatoes as California certified seed potatoes, making the violation of this act a misdemeanor and fixing a penalty therefor.

[Approved May 24, 1915.]

The people of the State of California do enact as follows:

SECTION 1. No potatoes shall be sold in the State of California as California certified seed potatoes except those which have been in-

spected and certified to in accordance with the following requirements:

Inspection of potato crops.

(a) The growing potato crop shall be inspected by an inspector who shall be appointed in accordance with the provisions of section three once during the blooming period of the plants and again as the plants begin to mature, but before forty per cent of the plants are dead. A third inspection shall be made after the crop has been harvested and graded.

Certain fields disqualified.

(b) Potato fields showing a mixture of more than two hundred and fifty hills per acre with any other variety or varieties, or showing more than five hundred weak hills, or more than fifty hills affected with blackleg (*Bacillus phytophthorus* Appel) shall be disqualified for certification, unless such mixed and weak or diseased hills shall be removed from the fields at this time under the supervision of the inspector.

Certain crops, on second inspection, disqualified.

(c) At the time of the second inspection the inspector shall dig, or cause to be dug under his supervision, and weigh at least one hundred hills per acre, and if five per cent of the hills so dug shall each weigh less than thirty per cent of the weight of an average hill, the crop shall be disqualified for certification.

Requirements after crop is graded.

(d) After the crop has been graded it shall be inspected and shall meet the following requirements:

The selected potatoes after being graded shall be free from any infestation of eelworms (*Heterodera radiciola*), larva of tuber moth (*Phthorimoea operculella* Zeller), or infection of wart disease (*Synchytrium endobioticum* Perc.), or powdery scab (*Spongospora solani* Brunch.), and shall be practically free from net necrosis or infection of late blight (*Phytophthora infestans* De By.). They shall be in the judgment of the inspector free from serious infection of scab (*Oospora scabies* Thax.) or Rhizoctonia, with not over five per cent light

infection of scab (*Oospora scabies* Thax.) or ten per cent light infection of Rhizoctonia. They shall not contain more than eight per cent light infection of wilt diseases (*Fusarium oxysporum* or *Verticillium alboatrum* Reink. and Berth.), and not over two per cent of deep infection of wilt (*Fusarium oxysporum* or *Verticillium alboatrum* Reink. and Berth.). They shall also be free from any mixture of colors or distinct types, and shall be reasonably sound and free from cuts or bruises or second growth, and shall conform in shape to the varietal type. Not over five per cent of the tubers shall weigh less than one and three-fourths ounces and not over five per cent shall weigh more than twelve ounces.

SEC. 2. The owner of potatoes which meet the requirements as stated in section one of this act shall be given by the inspector at the time of making the last inspection a certificate stating that such potatoes have been inspected by him in accordance with the provisions of this act and that they meet all the requirements as California certified seed potatoes. All potatoes sold as California certified seed potatoes shall bear on the package or container the certificate of inspection, which shall state the net weight of contents at time of packing, the date of inspection, and the date of packing. The inspector shall determine the weight of the potatoes which have passed inspection and are eligible for certification and shall only issue to the grower, sufficient certificates to label this amount of seed.

SEC. 3. The matter of inspection shall be in charge of the state commissioner of horticulture, and the cost of inspection shall be borne by the grower of the potatoes inspected.

SEC. 4. Any one who shall violate any of the provisions of this act shall upon conviction be deemed guilty of a misdemeanor, and shall be punished as provided in section nineteen of the Penal Code.

Certificate for seed potatoes meeting requirements,

Inspection in charge of commissioner of horticulture.

DATE PALM LAW.

*An act to regulate the distribution of date palms and date palm offshoots and to hold the same in quarantine under the supervision of the state commissioner of horticulture until they are free from Marlatt scale (*Phoenicococcus marlatti*) and Blanchard scale (*Parlatoria blanchardii*) when introduced from, or grown in, any infested locality within this state or from other states, or if of foreign introduction, after they have been released by the federal horticultural board, and to fix a penalty for violation of this act.*

[Approved April 2, 1915.]

The people of the State of California do enact as follows:

Planting
of
infested
date
palms
pro-
hibited.

SECTION 1. It shall be unlawful for any person, or persons, their agent or agents, employee or employees, possessing or owning date palms or date palm offshoots, or who may introduce palms from any region of this state, or any other state, or from foreign countries after they have been released by federal authorities, which are infested with either of the two scales (*Phoenicococcus marlatti*) and (*Parlatoria blanchardii*), to place or plant the same except under the supervision and direction of the state quarantine guardian of the county where the said date palms or date palm offshoots have been introduced.

Unlawful
to
remove
palms.

SEC. 2. It shall also be unlawful for any person, or persons, their agent or agents, employee, or employees, to move any date palms or date palm offshoots after the same have been planted until permission is granted by the aforesaid state quarantine guardian, or until inspection has shown that the said date palms or date palm offshoots are entirely clean of the Marlatt scale (*Phoenicococcus marlatti*), and the Blanchard scale (*Parlatoria blanchardii*),

which fact shall be ascertained by the aforesaid state quarantine guardian, when he may consent to the removal, either to an infested district or to an uninfested district.

SEC. 3. Any one who shall violate any of the provisions of this act shall upon conviction be deemed guilty of a misdemeanor. ^{Penalty.}

ACT RELATING TO THE PACKING AND SALE OF RAISINS.

An act to prevent deception in the manufacture, packing and sale of raisins, and providing a penalty for the violation thereof.

[Approved May 4, 1915. In effect September 1, 1916.]

The people of the State of California do enact as follows:

SECTION 1. It shall be unlawful for any person, firm or corporation to sell, offer for sale, expose for sale, or have in his possession with intent to sell, any box, package or carton containing seeded raisins, which box, package or carton shall have indicated thereon the fact that the same does contain raisins, unless it shall in addition to such indication have plainly and conspicuously marked thereon the variety of grape from which the raisins contained in such box, package or carton are manufactured or produced. ^{Packages of raisins to indicate variety of grape from which made.}

SEC. 2. Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than two hundred dollars, or by imprisonment in the county jail for not more than sixty days, or by both such fine and imprisonment. ^{Violation. Penalty.}

SEC. 3. This act shall take effect September 1, 1916.

JOHNSON GRASS.

This law on Johnson grass is now effectively operative only in counties where there is no county board of horticultural commissioners or, where there is no county horticultural commissioner.

An act to prevent the propagation by the production of seed, of that certain plant known as Sorghum halepense, otherwise known as Johnson grass.

[Approved March 20, 1903. Amended March 22, 1907.]

Unlawful to permit noxious weeds to mature.

SECTION 1. It shall be unlawful for any person owning, controlling, leasing, or possessing land in the State of California, to knowingly permit that certain grass known as *Sorghum halepense*, otherwise known as Johnson grass, *Cnicus arvensis*, otherwise known as Canadian thistle, *Salsoli kali*, otherwise known as Russian thistle, *Onopordon acanthium*, otherwise known as Scotch thistle, and *Cnicus lanceolatus*, otherwise known as bull thistle, to mature and disseminate its seed on land so owned, leased or possessed by such person.

Seed must not be sown on lands.

SEC. 2. It shall be unlawful for any person knowingly to sow or disseminate, or cause to be sown or disseminated, any seed of *Sorghum halepense*, otherwise known as Johnson grass, *Cnicus arvensis*, otherwise known as Canadian thistle, *Salsoli kali*, otherwise known as Russian thistle, *Onopordon acanthium*, otherwise known as Scotch thistle, and *Cnicus lanceolatus*, otherwise known as bull thistle, upon any land owned or possessed by another.

Same, as to roadways and ditches.

SEC. 3. It shall be unlawful for any person to knowingly sow, disseminate, or cause or permit to be disseminated any seed of *Sorghum halepense*, otherwise known as Johnson grass, *Cnicus arvensis*, otherwise known as Canadian thistle, *Salsoli kali*, otherwise known as Russian thistle, *Onopordon acanthium*, otherwise known as Scotch thistle, and *Cnicus lanceolatus*, otherwise known as bull thistle,

over or along any roadway, highway, or right of way for ditch purposes, adjacent to premises owned or possessed by him.

SEC. 4. Any person upon being duly convicted of a violation of any of the preceding sections of this act, shall be guilty of a misdemeanor, and may be fined in a sum not exceeding one hundred dollars, or by imprisonment in the county jail, for a term not exceeding three months. Penalty.

(Section 4 of the amendment approved March 22, 1907, reads: "All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.")

SEC. 5. This act shall take effect and be in force from and after its passage.

INSECTICIDE AND FUNGICIDE LAW.

[Approved May 1, 1911.]

SECTION 1. That it shall be unlawful for any person to manufacture within this state any insecticide, paris green, lead arsenic, or fungicide which is adulterated or misbranded within the meaning of this act; and any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor, and shall, upon conviction thereof, be fined not to exceed two hundred dollars for the first offense, and upon conviction for each subsequent offense be fined not to exceed three hundred dollars, or sentenced to imprisonment for not to exceed one year, or both such fine and imprisonment, in the discretion of the court. Said fines and those specified in section 2 of this act to be paid into the school fund of the county in which conviction is had. Unlawful to manufacture adulterated insecticide.
Penalty.
Fines paid into school fund.

SEC. 2. Any person who shall offer to deliver to any other person or any person who shall sell or offer for sale in this state any such adulterated or misbranded insecticide or paris green or lead arsenate or fungicide Unlawful to sell adulterated insecticide.

Penalty
for sale
of adul-
terated
insecti-
cide.

Article
for
export.

Exami-
nation
of speci-
mens.

which is adulterated or misbranded within the meaning of this act, or export or offer to export the same to any foreign country shall be guilty of a misdemeanor, and for such offense be fined not exceeding two hundred dollars for the first offense, and upon conviction for each subsequent offense not exceeding three hundred dollars, or to be imprisoned not exceeding one year, or both, in the discretion of the court; *provided*, that no article shall be deemed misbranded or adulterated within the provisions of this act when intended for export to any foreign country and prepared or packed according to the specifications or directions of the foreign purchaser; but if said article shall be in fact sold or offered for sale for domestic use or consumption, then this proviso shall not exempt said article from the operation of any of the provisions of this act.

SEC. 3. The examination of specimens of insecticides, paris greens, lead arsenates and fungicides shall be made by the director of the agricultural experiment station of the University of California in person or by deputy, for the purpose of determining from such examination whether such articles are adulterated or misbranded within the meaning of this act; and if it shall appear from any such examination that any of such specimens are adulterated or misbranded within the meaning of this act, the said director shall cause notice thereof to be given to the party from whom such sample was obtained. Any party so notified shall be given an opportunity to be heard under the rules and regulations adopted by the United States government for the enforcement of the national insecticide act of 1910, and if it appears that any of the provisions of this act have been violated by such party, then the said director shall at once certify the facts to the proper district attorney, with a copy of the results of the analysis or the examination of

such article duly authenticated by the analyst or officer making such examination, under the oath of such officer. After judgment of the court, notice shall be given by publication in such manner as the said director may determine.

SEC. 4. That it shall be the duty of each district attorney to whom the said director shall report any violation of this act or present satisfactory evidences of any such violation, to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the State of California without delay, for the enforcement of the penalties as in such case herein provided.

SEC. 5. In any action, civil or criminal, in any court in this state, a certificate, under the hand of said director, and the seal of said university, stating the results of any analysis purporting to have been made under the provisions of this act, shall be *prima facie* evidence of the fact that the sample or samples mentioned in said analysis or certificate were properly analyzed as in this act provided; that the substances analyzed contained the component parts stated in such certificate and analysis; and that the samples were taken from the parcels or packages or lots mentioned or described in said certificate.

SEC. 6. That the term "insecticide" as used in this act shall include any substance or mixture of substances intended to be used for preventing, destroying, repelling or mitigating any insects which may infest vegetation, man or other animals, or households, or be present in any environment whatsoever. The term "paris green" as used in this act shall include the product sold in commerce as paris green and chemically known as the aceto-arsenite of copper. The term "lead arsenate" as used in this act shall include the product or products sold in commerce as lead arsenate and consisting

Duty of district attorney to prosecute.

Evidence of proper analysis.

Definitions: "insecticide."

"Paris green."

"Lead arsenate."

“Fungicide.”

chemically of products derived from arsenic acid (H_3AsO_4) by replacing one or more hydrogen atoms by lead. That the term “fungicide” as used in this act shall include any substance or mixture of substances intended to be used for preventing, destroying, repelling, or mitigating any and all fungi that may infest vegetation or be present in any environment whatsoever.

SEC. 7. That for the purpose of this act an article shall be deemed to be adulterated—

Adulterated paris green.

In the case of paris green: First, if it does not contain at least fifty per centum of arsenious oxide; second, if it contains arsenic in water-soluble forms equivalent to more than three and one-half per centum of arsenious oxide; third, if any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

Adulterated lead arsenate.

In the case of lead arsenate: First, if it contains more than fifty per centum of water; second, if it contains total arsenic equivalent to less than twelve and one-half per centum of arsenic oxide (As_2O_5); third, if it contains arsenic in water-soluble forms equivalent to more than seventy-five one-hundredths per centum of arsenic oxide (As_2O_5); fourth, if any substances have been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength; *provided, however*, that extra water may be added to lead arsenate (as described in this paragraph) if the resulting mixture is labeled lead arsenate and water, the percentage of extra water being plainly and correctly stated on the label.

Other insecticides.

In the case of insecticides or fungicides, other than paris green and lead arsenate: First, if its strength or purity fall below the professed standard or quality under which it is sold; second, if any substance has been substituted wholly or in part for the article; third, if any valuable constituent of the article has

been wholly or in part abstracted; fourth, if it is intended for use on vegetation and shall contain any substance or substances which, although preventing, destroying, repelling, or mitigating insects, shall be injurious to such vegetation when used.

SEC. 8. That the term "misbranded" as ^{"Mis-branded"} used herein shall apply to all insecticides, ^{ed"} paris greens, lead arsenates, or fungicides or ^{defined.} articles which enter into the composition of insecticides or fungicides, the package or label of which shall bear any statement, design or device regarding such article or the ingredients or substances contained therein which shall be false or misleading in any particular, and to all insecticides, paris greens, lead arsenates, or fungicides which are falsely branded as to the state, territory, or country in which they are manufactured or produced.

That for the purpose of this act an article shall be deemed to be misbranded—

In the case of insecticides, paris greens, lead ^{Mis-} arsenates, and fungicides: First, if it be an ^{brand-} imitation or offered for sale under the name ^{ed"} of another article; second, if it be labeled or ^{insecti-} branded so as to deceive or mislead the purchaser, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package; third, if in package form, and the contents are stated in terms of weight or measure they are not plainly and correctly stated on the outside of the package.

In the case of insecticides (other than paris ^{Others} greens and lead arsenates) and fungicides: ^{than} First, if it contains arsenic in any of its combinations or in the elemental form and the ^{paris} total amount of arsenic present (expressed as ^{green,} per centum of metallic arsenic) is not stated ^{etc.} on the label; second, if it contains arsenic in any of its combinations or in the elemental

Mis-
branded
insecti-
cides
other
than
paris
green,
etc.

form and the amount of arsenic in water-soluble forms (expressed as per centum of metallic arsenic) is not stated on the label; third, if it consists partially or completely of an inert substance or substances which do not prevent, destroy, repel or mitigate insects or fungi and does not have the names and percentage amounts of each and every one of such inert ingredients plainly and correctly stated on the label; *provided, however*, that in lieu of naming and stating the percentage amount of each and every inert ingredient the producer may at his discretion state plainly upon the label the correct names and percentage amounts of each and every ingredient of the insecticide or fungicide having insecticidal or fungicidal properties, and make no mention of the inert ingredients, except in so far as to state the total percentage of inert ingredients present.

Dealer
not to
be
prose-
cuted
when he
can show
whole-
saler's
guar-
anty.

SEC. 9. That no dealer shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party from whom he purchased such articles, to the effect that the same is not adulterated or misbranded within the meaning of this act, designating it. Said guaranty to afford protection shall contain the name and address of the party or parties making the sale of such articles to such dealer, and an itemized statement showing the articles purchased; or a general guaranty may be filed with the secretary of the United States department of agriculture by the manufacturer, wholesaler, jobber or other party in the United States and be given a serial number, which number shall appear on every package of insecticide or fungicide sold under such guaranty with the words "guaranteed by" (the name of the guarantor) under the insecticide act of 1910; and in such case said party or parties shall be amenable to the prosecutions,

finer, and other penalties which would attach in due course to the dealer under the provisions of this act.

SEC. 10. That the word "person" as used in this act shall be construed to mean both the plural and the singular, as the case demands, and shall include corporations, companies, societies and associations. When construing and enforcing the provisions of this act, the act, omission or failure of any officer, agent, or other person acting for or employed by any corporation, company, society or association, within the scope of his employment or office, shall in every case be also deemed to be the act, omission, or failure of such corporation, company, society, or association, as well as that of the other person.

"Person" defined.
Act of agent deemed act of corporation.

SEC. 11. Every lot, parcel, or package of commercial insecticides or fungicides or materials to be used for fungicidal or insecticidal purposes, sold, offered, or exposed for sale, within this state, shall be accompanied by a plainly printed label, stating the name, brand, and trade-mark, if any there be, under which the insecticide or fungicide is sold, the name and address of the manufacturer, importer, or dealer, the place of manufacture, and a chemical analysis, stating the percentages claimed to be therein, of the substance or substances alleged to have insecticidal properties, specifying the form or forms in which each is present, and the materials from which all constituents of the insecticides are derived. All analyses of substances for which methods have been agreed upon by the American Association of Official Agricultural Chemists, are to be made by such official methods. In the case of those insecticides the selling price of which is less than one-half cent per pound, said label need only give a correct general statement of the nature and composition of the insecticide it accompanies.

Conditions governing sale.

Manu-
facturers
selling
insecti-
cide at
price of
not less
than one
half cent
per
pound to
register.

SEC. 12. The manufacturer, importer, agent of, or dealer in any commercial insecticide, or materials used for insecticidal purposes, the selling price of which to the consumer is not less than one-half cent ($\frac{1}{2}$ cent) per pound, shall, before the same is offered for sale, obtain a certificate of registration from the secretary of the board of regents of the University of California, countersigned by the said university, authorizing the sale of insecticides in this state, and shall securely fix to each lot, parcel, or package of insecticide the word "registered" with the number of registry. The manufacturer, importer, agent, or dealer obtaining such registry shall pay to the said secretary the sum of one dollar (\$1.00), to be applied as provided in section 18 of this act; such registration shall expire on the thirtieth day of June of the fiscal year for which it was given; *provided*, the provisions of this section shall not apply to any agent whose principals shall have obtained a certificate of registration as herein provided. Every such manufacturer, importer, agent, or dealer, who makes or sells, or offers for sale, any such substances, under a name or brand, shall file, on or before the first day of July, in each year, a statement, under oath, with the director of the agricultural experiment station of the University of California, stating such name or brand, and stating the component parts, in accordance with the provisions of section 11 of this act, of the substances to be sold or offered for sale, or manufactured under each such name or brand.

Analyses
of
samples.

SEC. 13. The said director shall annually, on or before the first day of September, take samples in accordance with the provisions of section 14 hereof, of the substance made, sold, or offered for sale, under every such name or brand, and cause analyses to be made thereof in accordance with the provisions of section 11

hereof, and said analyses may include such other determinations as said director may at any time deem advisable. Dealers in or manufacturers of insecticides must give free access to the director of the agricultural experiment station, or his duly authorized deputy, to all the materials which they may place on the market for sale in California. Whenever the analysis certified by the said director shall show a deficiency of not more than five per cent of the substance alleged to have insecticidal properties, the statement of the manufacturer or importer, as required in section 11 of this act, shall not be deemed to be false in the meaning of this act; *provided*, that this act shall not apply to sales of insecticidal materials made to a registered manufacturer of insecticides or to sales for export outside of this state; *provided, further*, that the said director of the agricultural experiment station of the University of California shall, upon the receipt of a sample of insecticide, accompanied with a nominal fee of one dollar furnish to the user of said commercial insecticide such examination or analysis of the sample as will substantially establish the conformity or nonconformity of the said insecticide to the guarantee under which it was sold.

SEC. 14. The director of the agricultural experiment station of the University of California, in person or by deputy, is hereby authorized to take a sample, not exceeding two pounds in weight for analysis by the said director or his deputies, from any lot, parcel or package of insecticide or fungicide, or material, or mixture of materials used for insecticidal or fungicidal purposes, which may be in the possession of any manufacturer, importer, agent or dealer; but said sample shall be drawn in the presence of said party or parties in interest, or their representatives. In lots

Analyses
of
samples

Taking
of
samples.

Taking
of
samples.

of five tons or less, samples shall be drawn from at least ten packages, or, if less than ten packages are present, all shall be samples; in lots of over five tons, not less than twenty packages shall be sampled. The samples so drawn shall be thoroughly mixed, and from it two equal samples shall be drawn and placed in glass vessels, carefully sealed, and a label placed on each, stating the name or brand of the insecticide or material sampled, the name of the party from whose stock the sample was drawn, and the time and place of drawing; and said label shall also be signed by the said director or his deputy making such inspection, and by the party or parties in interest, or their representatives present at the drawing and sealing of said samples. One of said duplicate samples shall be retained by the party whose stock was sampled, and the other by the director of the agricultural experiment station of the University of California.

Publica-
tion of
results
of
analyses.

SEC. 15. The director of the agricultural experiment station of the University of California shall publish in bulletin form, from time to time, at least annually, the results of the analyses, hereinbefore provided with such additional information as circumstances may advise.

Appro-
priation.

SEC. 16. There is hereby provided for carrying out the purposes of this act, out of any moneys in the state treasury not otherwise appropriated, the sum of five thousand dollars for each fiscal year hereafter, beginning with the first day of July, 1911.

Persons
who may
not be
inter-
ested in
sale,
etc.

SEC. 17. All persons charged with the enforcement or execution of any of the provisions of this act shall not directly or indirectly be interested in the sale, manufacture or distribution of any insecticide or fungicide affected by this act.

SEC. 18. All moneys, whether received from registry and analytical fees or special license fees shall be paid to the secretary of the board of regents of the University of California for the use of said board in carrying out the provisions of this act. Disposition of fees.

SEC. 19. An act to prevent fraud in the sale of paris green used as an insecticide, chapter LIII, page 69, Statutes of 1901, is hereby repealed. Repealed.

SEC. 20. This act shall take effect and be in force from and after July 1, 1911.

PROPER NAMING OF NURSERY STOCK.

An act to provide for the proper naming of trees, seeds, plants, and vines, sold, offered, or exposed for sale in this state and providing a penalty for the violation of this act.

[Approved March 3, 1905.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. All trees, seeds, plants and vines, sold, offered or exposed for sale in the State of California shall be properly named as to variety and kind, and any person knowingly selling, trading, or exchanging, or offering or exposing for sale any trees, seeds, plants or vines falsely named as to variety and kind shall be guilty of a misdemeanor, and shall be liable to a fine of not less than ten dollars, nor more than three hundred dollars. Nursery stock must be true to name.

AGAINST SELLING TREES UNDER FALSE NAME.

An act prohibiting the sale of any fruit tree or fruit trees of a certain kind, variety or description and the delivery thereafter with the intent to deceive to the purchaser of a fruit tree or fruit trees of a different kind, variety or description, and providing penalties for the violation thereof, and prescribing the time within which prosecutions under this act may be commenced.

[Approved March 15, 1907.]

Selling
trees
under
false
name
pro-
hibited.

SECTION 1. It shall be unlawful for any person, persons, firm or corporation, acting either as principal or agent, to sell, to any person, persons, firm or corporation any fruit tree or fruit trees representing same to be of a certain kind, variety, and description and thereafter to deliver to such purchaser in filling such order and in completing such sale a fruit tree or fruit trees of a different kind, variety or description than the kind, variety or description of such fruit tree or fruit trees so ordered and sold.

Penalty.

SEC. 2. Any person violating any provisions of this act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), or by imprisonment in the county jail for not less than twenty days or more than six months, or by both fine and imprisonment.

Prosecu-
tions.

SEC. 3. Prosecutions under this act may be commenced at any time within seven years from the time of the delivery of such fruit tree or fruit trees mentioned in section one.

SEC. 4. This act shall take effect and be in force from and after its passage.

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*Corrected to August 1, 1917.

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 8-31789

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 Johnson, Thomas ----- Glen Ellen
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TEHAMA.

Commissioner:
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 Inspector:
 Flourney, G. H. ----- Corning

TULARE.

Commissioner:
 Collins, Chas. F. ----- Visalia
 Inspectors:
 Baird, W. P. ----- Dinuba
 (Inspects shipments also at Cutler, Seville and
 Sultana.)
 Brann, Frank R. ----- Lindsay
 Clark, Burt ----- Goshen
 Doyle, C. H. ----- Porterville
 (Inspects shipments also at Strathmore.)

Dungan, J. S.	-----	Lemon Cove
Haire, Harry	-----	Angiola
Klindera, F. J.	-----	Tipton
Lawson, J. T.	-----	Tulare
Marr, R. W.	-----	Pixley
Miller, H. S.	-----	Richgrove
Mitchell, M.	-----	Ducor
Newhouse, Oliver H.	-----	Exeter
(Inspects shipments also at Farmersville.)		
Roeder, J. H.	-----	Terra Bella
Webb, Steve	-----	Woodlake
Williams, C. H.	-----	Springville

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Inspectors:	
Call, A. H.	----- Santa Paula
Essig, S. H.	----- Ventura
French, T. N.	----- Oxnard
Willey, J. D.	----- Moorpark
Wiklund, A. G.	----- Fillmore

YOLO.

Commissioner:	
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Lamme, J. W.	----- Winters
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YUBA.

Commissioner:	
Harney, G. W.	----- Marysville

APPENDIX.

RELATING TO THE TERMINAL INSPECTION OF PLANTS AND PLANT PRODUCTS.

ORDER OF THE POSTMASTER GENERAL.

OFFICE OF THE POSTMASTER GENERAL;

ORDER No. 8760. WASHINGTON, April 2, 1915.

The Postal Laws and Regulations, edition of 1913, are amended by the addition of the following, as section 478 $\frac{1}{4}$:

SEC. 478 $\frac{1}{4}$. (a) When any state shall provide for terminal inspection of plants and plant products, and shall establish and maintain, at the sole expense of the state, such inspection at one or more places therein, the proper officials of said state may submit to the Secretary of Agriculture a list of plants and plant products and the plant pests transmitted thereby, that in the opinion of said officials should be subject to terminal inspection in order to prevent the introduction or dissemination in said state of pests injurious to agriculture. Upon his approval of said list, in whole or in part, the Secretary of Agriculture shall transmit the same to the Postmaster General, and thereafter all packages containing any plants or plant products named in said approved lists shall, upon payment of postage therefor, be forwarded by the postmaster at the destination of said package to the proper state official at the nearest place where inspection is maintained. If the plant or plant products are found upon inspection to be free from injurious pests, or if infected shall be disinfected by said official, they shall upon payment of postage therefor be returned to the postmaster at the place of inspection to be forwarded to the person to whom they are addressed; but if found to be infected with injurious pests and incapable of satisfactory disinfection the state inspector shall so notify the postmaster at the place of inspection, who shall promptly notify the sender of said plants or plant products that they will be returned to him upon his request and at his expense, or in default of such request that they will be turned over to the state authorities for destruction. (Act of March 4, 1915.)

(b) It shall be unlawful for any person, firm, or corporation to deposit in the United States mails any package containing any plant or plant product addressed to any place within a state maintaining inspection thereof, as herein defined, without plainly

State shall provide for terminal inspection at its own expense.

Secretary of agriculture must approve of list of plants subject to inspection.

Penalty.

marking the package so that its contents may be readily ascertained by an inspection of the outside thereof. Whoever shall fail to so mark said packages shall be punished by a fine of not more than \$100. (Act of March 4, 1915.)

(c) The Postmaster General is hereby authorized and directed to make all needful rules and regulations for carrying out the purposes hereof. (Act of March 4, 1915.)

2. When the Secretary of Agriculture furnishes the Postmaster General a list of plants and plant products subject to terminal inspection under the provisions of the preceding paragraph, appropriate instructions to regard thereto shall be issued to postmasters by the Third Assistant Postmaster General, Division of Classification.

3. When a package containing plants or plant products subject to terminal inspection is received at the post office of address, the postmaster shall at once notify the addressee of the required amount of postage for forwarding it to the place of inspection and return. Upon payment of the required amount, the postmaster shall affix to the parcel stamps sufficient to cover the postage from his office to the place of inspection, and place in an official envelope, to be attached to the parcel and addressed to the postmaster, at the place of inspection, the stamps representing the amount of postage furnished by the addressee for its return. The postmaster shall then indorse on the wrapper of the parcel the words, "Forward to -----, for inspection," and

(Give post office of inspection)
transmit the parcel to the postmaster at the place of inspection.

4. (a) On receipt of the parcel at the post office of inspection the postmaster shall deliver it to the proper state official, and if such official shall return it to him marked to show that it has been inspected and passed, the postmaster shall affix to the parcel the postage furnished for returning it to the post office of address and promptly transmit it to that office. It shall then be delivered to the addressee.

(b) If the state official to whom a parcel containing plants or plant products has been sent for inspection shall inform the postmaster at the place of inspection that such plants or plant products are infected with injurious pests and incapable of satisfactory disinfection, the postmaster shall promptly notify the sender that the parcel is undeliverable, giving the reason therefor together with the name and address of the addressee, and stating the amount of postage required for its return and that if the postage is not promptly furnished the parcel will be turned over to the state authorities for destruction. After the sending of such notice, the postmaster shall wait the length of time

Postmaster-general authorized.

Instructions to postmasters.

Method of inspection.

Disposal of diseased plants.

prescribed in paragraph 8, section 637, when, if postage be not received by that time, he shall inform the state authorities that the parcel may be destroyed by them.

Postage. 5. When a parcel containing plants or plant products is returned to the sender or destroyed under the provisions of the preceding paragraph, the postage stamps representing the amount of postage furnished by the addressee for the return of such parcel from the post office of inspection to the office of address shall be sent by the postmaster at the former office to the addressee together with a letter of information as to the disposition of the parcel.

Failure to furnish postage.

6. If the addressee, after having been notified, as prescribed in paragraph 3 of this section, fails to furnish the required postage for sending the parcel to the place of inspection and return, the postmaster shall so notify the state inspector at that place and advise him of the amount of postage required for sending the parcel to him. If such official furnishes the postage the postmaster shall, after affixing the necessary stamps, indorse on the wrapper of the parcel the words "Forward to -----"

(Give post office of inspection) for inspection," together with the words "Postage paid by state," and transmit it to the postmaster at the place of inspection. If the state inspector shall return the parcel to the postmaster at the point of inspection, marked to show that it has been inspected and passed, and having postage properly prepaid, it shall be transmitted to the office of address and delivered to addressee. Should the state inspector fail to furnish the postage for sending the parcel to him for inspection, the parcel shall be treated as other undeliverable fourth-class matter, as prescribed in section 637.

DANIEL C. ROPER,
Acting Postmaster General.

Revised List of Inspection Places for Plants and Plant Products Addressed to Post Offices in California.

OFFICE OF THIRD ASS'T P. M. GEN.,
WASHINGTON, Sept. 16, 1915.

List of inspection points in California.

In connection with the instructions to postmasters dated May 26, 1915, appearing on page 5 of the June, 1915, supplement to the Postal Guide, concerning the terminal inspection of plants and plant products in the state of California, there is given below a revised list of the places in that state where such inspection is maintained. In each case the place to which a postmaster in the state of California shall send for inspection, after receiving the required postage therefor,

under the provisions of section 478¼, Postal Laws List of and Regulations, a package containing plants or plant inspection products subject to terminal inspection, is the one point which is nearest to his office.

points in
Calif-
ornia.

Albion	Eureka
Alturas	Exeter
Anaheim	Farmersville
Anderson	Fillmore
Angiola	Fort Bragg
Aromas	Fontana
Arroyo Grande	Fowler
Auburn	Fresno
Azusa	Glendale
Bakersfield	Glendora
Banning	Goshen
Bard	Grass Valley
Beaumont	Hanford
Bieber	Healdsburg
Bishop	Hemet
Bloomington	Highland
Blythe	Hollister
Brawley	Hopland
Brynmawr	Imperial
Calexico	Indio
Carpinteria	Kelseyville
Chico	Kerman
Chino	Kingsburg
Claremont	Lamanda Park
Clovis	Lancaster
Coachella	Lemon Cove
College City	Lindsay
Colton	Livingston
Colusa	Lodi
Corning	Los Angeles
Corona	McFarland
Covelo	Madeline
Covina	Madera
Craftonville	Manteca
Cucamonga	Martinez
Cutler	Marysville
Davis	Mecca
Del Rosa	Mendocino
Delano	Merced
Dinuba	Modesto
Downey	Monrovia
Duarte	Napa
Ducor	Naranjo
East Highlands	Newman
Edison	Norwalk
El Centro	Oakdale
Elsinore	Oakland
Escalon	Oakley
Escondido	Oceanside
Etiwanda	Ontario

List of
inspec-
tion
points in
Cali-
fornia.

Orange
Orosi
Oroville
Oxnard
Pasadena
Paso Robles
Perris
Pixley
Placerville
Point Arena
Pomona
Porterville
Red Bluff
Redding
Redlands
Reedley
Rialto
Richgrove
Ripon
Rivera
Riverside
Sacramento
San Benito
San Bernardino
San Diego
San Dimas
San Fernando
San Francisco
Sanger
San Jose
San Luis Obispo
San Mateo
Santa Ana
Santa Barbara
Santa Cruz
Santa Fe Springs

Santa Maria
Santa Paula
Santa Rosa
Selma
South Pasadena
Springville
Stockton
Saint Helena
Strathmore
Sultana
Susanville
Tehachapi
Terra Bella
Thermal
Tipton
Tropico
Tulare
Ukiah
Upland
Ventura
Victorville
Visalia
Wasco
Watsonville
Whittier
Williams
Willits
Willows
Winters
Woodlake
Woodland
Yetter
Yreka
Yucaipa
Yuba City

A. M. DOCKERY,
Third Ass't P. M. Gen.

The following changes have been made in the above list: Bieber has been dropped; Fair Oaks and Elk Grove have been added.

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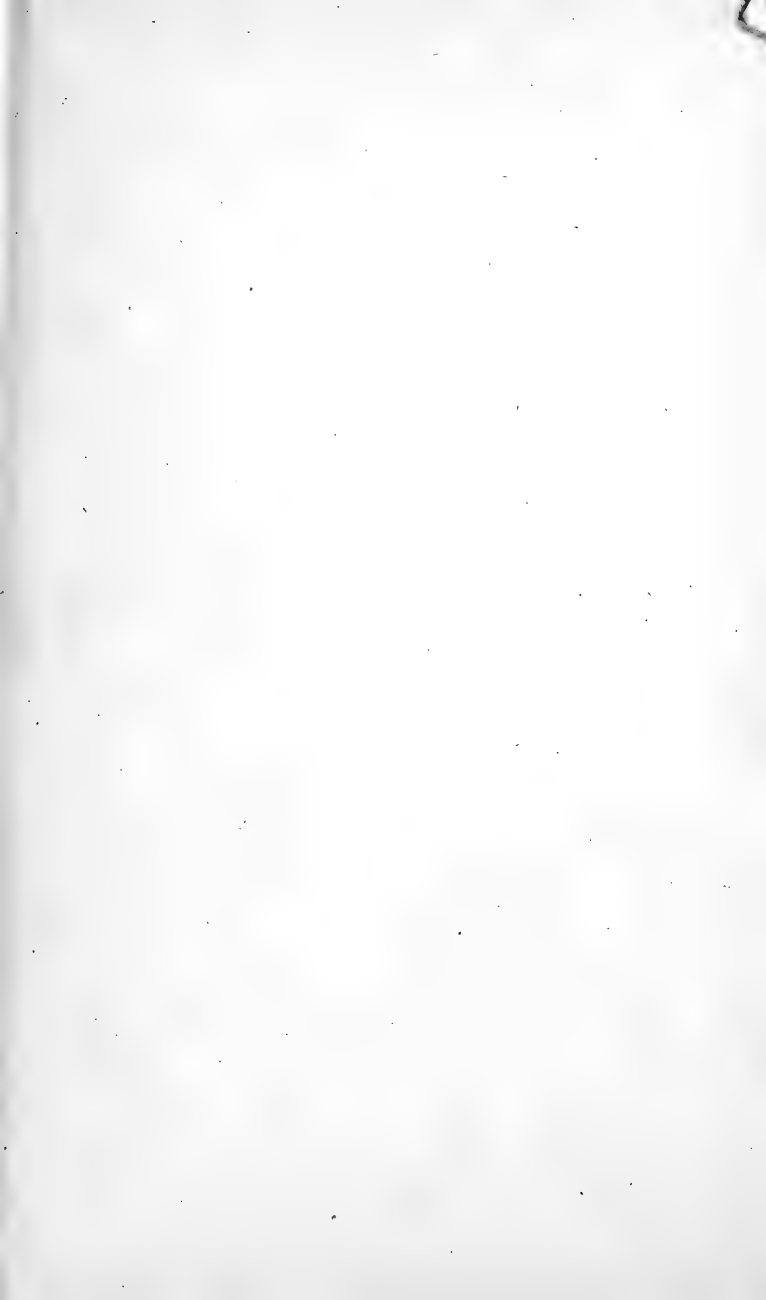
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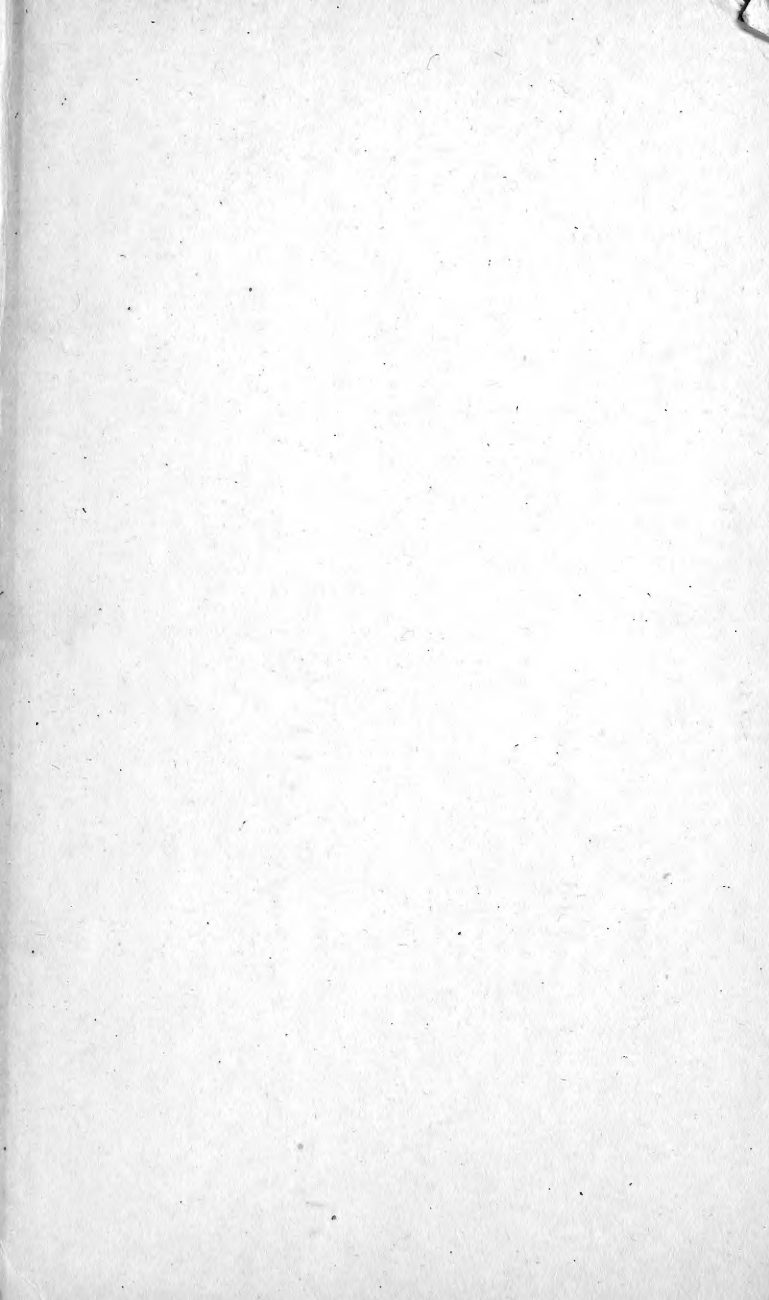
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